



CITY PLANNING COMMISSION

March 30, 2015/Calendar No. 4

C 150129 ZSM

IN THE MATTER OF an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table, to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community Districts 5 and 6.

This application (C 150129 ZSM) for a special permit pursuant to Sections 81-641 of the Zoning Resolution, as proposed, of the Zoning Resolution to grant additional floor area through the provision of public realm improvements was filed by Green 317 Madison LLC and Green 110 East 42nd LLC (collectively, the “Applicant”) on October 14, 2014. The special permit, along with the related actions, would facilitate the development of a commercial building on property bounded by East 42nd Street, Madison Avenue, East 43rd Street, and Vanderbilt Avenue in Manhattan Community District 5.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 150129 ZSM), the following applications are being considered concurrently with this application:

C 140440 MMM An amendment to the City Map, by the Department of City Planning, involving the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street; the establishment of Public Place above a lower limiting plane; and the adjustment of grades necessitated thereby.

- N 150127 ZRM Zoning Text Amendment, by the Department of City Planning to the Special Midtown District to establish the Vanderbilt Corridor.
- C 150128 ZSM Zoning Special Permit pursuant to Section 81–635 to transfer development rights from the New York City Landmark Bowery Savings Bank building
- C 150130(A) ZSM Special Permit pursuant to Section 81-642 to modify certain mandatory district plan elements, street wall, height, setback and curb cut regulations.

BACKGROUND

The Applicant is the owner of Block 1277, Lots 20, 27, 46 and 52 (the “Development Site”), comprising the block bounded by East 42nd and East 43rd streets and Madison and Vanderbilt avenues. The Applicant proposes to construct a new building with approximately 1,299,390 square feet of floor area containing a mix of uses including office, retail, rooftop amenity space, and extensive improvements to the pedestrian circulation network in the vicinity of Grand Central Terminal (the “Proposed Development”).

Under a separate application, the Department of City Planning (the “Department”) is seeking a zoning text amendment (N 150127 ZRM) that would facilitate commercial development in the corridor, improve pedestrian circulation within Grand Central Terminal and its vicinity, and allow greater opportunity for area Landmarks to transfer their unused development rights. The amendment would:

1. Create the “Vanderbilt Corridor” and a new special permit under which the City Planning Commission (the “Commission”) may approve bonus floor area up to a floor-area-ratio or FAR of 30.0 (the “Grand Central Public Realm Improvement Bonus”) in connection with transit and public realm improvements related to development within the corridor;
2. Modify the existing landmark transfer special permit available within the Grand Central Subdistrict to increase the maximum on-site FAR available through transfer from 21.6 to 30.0 in the Vanderbilt Corridor; and

3. Modify the uses permitted in the Vanderbilt Corridor to allow the development, conversion, or enlargement of hotels only by a new special permit established by the proposed text amendment.

In addition, the Department is proposing a City Map amendment (C 140440 MMM) to designate the portion of Vanderbilt Avenue between East 42nd and East 43rd Streets as a “public place” dedicated to pedestrian uses, to remain under the ownership of the City under the jurisdiction of the New York City Department of Transportation.

Description of the Development Site

The Development Site is the southernmost block in the Vanderbilt Corridor and is located immediately west of Grand Central Terminal. The site is bounded by two wide and two narrow streets: East 42nd Street (100 feet wide), Madison Avenue (80 feet wide), East 43rd Street (60 feet wide) and Vanderbilt Avenue (60 feet wide). It is zoned C5-3, has a lot area of 43,313 square feet, and is currently occupied by four low- to mid-rise buildings (between 7 and 22 stories) that are each more than 80 years old. In total, the four existing buildings on the development site contain approximately 772,162 gsf of commercial space. The buildings all contain retail space on the ground floor and office uses on the upper floors. The Development Site has no existing curb cuts, parking garages or lots, and has no existing yards or open spaces.

The Development Site is in a C5-3 zoning district within the Grand Central Subdistrict Core of the Special Midtown District. The Grand Central Subdistrict was created in 1992 to allow for the transfer of development rights from Grand Central Terminal and other City-designated landmarks to development sites in the vicinity of the Terminal, and to improve the above and below-grade pedestrian circulation in the area. The boundaries of the Grand Central Subdistrict were generally drawn around the area where Grand Central Terminal’s below-grade pedestrian network then existed. In the C5-3 district within the Grand Central Subdistrict Core, the basic maximum floor area ratio (“FAR”) is 15.0, with higher floor areas permitted through a variety of

discretionary actions allowing transfers of unused floor area from area landmarks or floor area bonuses through the provision of pedestrian improvements.

Description of the Surrounding Area

The Development Site is located in the East Midtown area of Manhattan, within Community District 5. Land uses within the area include a mix of commercial, residential, mixed-use, institutional, and transportation/parking uses. The area is densely developed and is predominantly characterized by a mix of office towers and mid-rise office buildings located around Grand Central Terminal. The Terminal is served by both subway and commuter train lines. Pershing Square, located directly south of Grand Central Terminal, includes a restaurant below the Grand Central Viaduct (an LPC-designated historic landmark), as well as a pedestrian plaza approved by the New York City Department of Transportation within the roadway between East 41st and East 42nd Streets.

Much of the area surrounding Grand Central Terminal is built directly over the rail shed serving the Terminal. The track network extends approximately between Madison Avenue and Lexington Avenue around the Terminal, and narrows to the width of the Park Avenue roadbed traveling north

Most of the avenues and many of the cross streets in the surrounding area are lined with restaurants and other retail uses. Several of these commercial structures are built on large lots, and in some instances occupy entire blocks. This is particularly evident along Park Avenue north of Grand Central Terminal, which is distinguished by a number of high-rise office buildings. Many of these large-footprint commercial buildings are also characterized by the presence of public plazas.

The Development Site is well served by public transportation, with numerous underground connections to the Grand Central Terminal complex. The Metro-North “loop track” occupies a

small portion of the northwest corner of the Development Site (approximately 650 square feet). In addition, the Metropolitan Transportation Authority's ("MTA") East Side Access project, which will bring Long Island Rail Road customers to East Midtown with a one-seat ride, is currently being constructed adjacent to the Development Site. In addition, the area is served by numerous bus and subway lines. The Grand Central-42nd Street station is served by the 4, 5, 6, 7 and Shuttle lines, with 16 entrances along East 42nd Street. The area is also served by several bus lines that run north-south along Madison, Lexington, and Third Avenues and east-west along 42nd Street and 49th Street.

The surrounding area is primarily zoned C5-3, with several midblock areas zoned C5-2.5. C5 districts are central commercial districts where Use Group 1-6 and 9-11 uses are permitted. C5 districts provide for continuous retail frontage intended for office, hotel, and retail establishments that serve the entire metropolitan region. Residential uses are also permitted. C5-2.5 districts are high-density commercial districts that are only mapped within the Special Midtown District. C5-2.5 districts have lower maximum FARs than the surrounding C5-3 district (ranging from 10.0 to 12.0) and are subject to additional zoning regulations. The same uses permitted in other C5 districts are permitted in C5-2.5 districts. The surrounding area is within the Special Midtown District, and much of the area is within the Grand Central Subdistrict.

Description of the Proposed Project Area

The Project Area includes the following:

- The Development Site;
- The portion of Vanderbilt Avenue between East 42nd Street and East 43rd Street that is proposed to be designated as a public place under a separate mapping application submitted by the Department;

- The following areas where the Applicant proposes off-site improvements as part of the Proposed Development:
 - The location of a new stair in the cellar of the Pershing Building (at the southeast corner of East 42nd Street and Park Avenue) that would connect the Grand Central – 42nd Street subway station mezzanine to the 4/5/6 platform;
 - The location of a new subway entrance comprised of two new street-level subway stairs in the sidewalk at the southeast corner of East 42nd Street and Lexington Avenue;
 - Sections of the Grand Central – 42nd Street subway station mezzanine where stairs and columns would be reconfigured;
 - Sections of the Grand Central – 42nd Street subway station platform where stairs and columns would be reconfigured and new stairs would be added;
 - The location of an existing street-level subway entrance and areas adjacent thereto, at the northwest corner of East 42nd Street and Lexington Avenue and adjacent areas where new stairs and an elevator would be built; and
 - The locations of new and expanded Grand Central – 42nd Street subway station mezzanine paid areas in the cellar of the Grand Hyatt Hotel.

The Project Area is entirely within the Grand Central Subdistrict of the Special Midtown District.

Description of the Proposed Development

One Vanderbilt Building

The Proposed Development is an approximately 68-story commercial tower comprising up to 1,299,390 square feet of zoning floor area (“zsf”). The Proposed Development is anticipated to include the following components: approximately 1.21 million zsf of office space, approximately 39,000 zsf of retail space, and approximately 43,000 zsf of amenity space (which may include tenant amenity space, observation deck use, other uses permitted by the Zoning Resolution, or uses accessory thereto), and 5,764 zsf of above-grade public space.

The building design will have a tapered form that reaches a height of approximately 1,401 feet to the top of the building structure with a spire above. In addition to the rooftop amenity space, the building would provide a wide array of above-grade and below-grade public improvements including: an approximately 10,100 square foot day-lit below-grade intermodal connection offering connections to the subway system, East Side Access and Grand Central Terminal (the “Intermodal Connector”); an approximately 4,000 square-foot enclosed public space fronting on East 43rd Street and Vanderbilt Avenue (the “Transit Hall”); sidewalk widening areas along Madison Avenue (1,405 square feet) and East 42nd Street (1,250 square feet); a chamfered corner increasing space for pedestrian circulation at the intersection of East 42nd Street and Vanderbilt Avenue; and an angled building podium that would provide views of Grand Central Terminal along East 42nd Street.

Along East 42nd Street, the ground floor will contain retail uses, a subway entrance providing access to the below-grade Intermodal Connector and the Shuttle subway station, and entrances to retail or amenity spaces at Level B1 and Level 2, each of which would be accessed through the East 42nd Street sidewalk widening area.

Along Madison Avenue, the ground floor frontage will include a central building lobby entrance flanked by retail uses to the north and south, all of which would be accessible through a sidewalk widening area.

Fronting on the Vanderbilt Avenue public place, the ground floor will include a central lobby entrance, with entry to a second-story retail or amenity space to the south (with entry from East 42nd Street), and the high-transparency window wall of the Transit Hall to the north.

Along East 43rd Street, the western frontage will contain retail space. At the eastern end of the East 43rd Street frontage, near the corner of the new Vanderbilt Public Place, will be entry points to the proposed Transit Hall, which will be connected via the Intermodal Connector within the eastern side of the Proposed Development to the East Side Access concourse, the Main Concourse of Grand Central Terminal, the Shuttle subway, and a the pedestrian corridor beneath East 42nd Street which provides access to the 4, 5, 6 and 7 subway lines. At the midblock of the 43rd Street frontage will be the entrance to truck elevators, which provides access to the below-grade loading area.

The building would have three levels below-grade. The first level below-grade (the B1 level) would include approximately 19,000 square feet of floor space for retail or amenity use (which may include a lobby for a rooftop observation deck or other uses permitted by the Zoning Resolution). The B1 level would also provide substantial public space and include vertical circulation improvements connecting to East Side Access and to the Shuttle line, as well as the new approximately 10,100 square foot Intermodal Connector between East Side Access, the Shuttle, and Grand Central Terminal. The second level below-grade (B2) would contain additional public areas adjacent to the Shuttle subway station at the southern portion of the site, and would contain loading and building support areas at the northern portion of the site. The loading area at the B2 level would be accessed by two truck elevators from East 43rd Street between Madison Avenue and Vanderbilt Avenue via a single curb cut of up to 51 feet wide (which includes 5 feet for splays). The third level below-grade (B3) would contain approximately 1,200 SF of new pedestrian circulation space providing the connection to the East Side Access Concourse.

The Proposed Development would be designed to achieve LEED Gold Certification under LEEDv4 for Core and Shell, and would include a number of sustainable design features that are

expected to significantly enhance the building's energy performance. The building would have energy-efficient glazing designed to respond to the combined effects of daylighting, heat loss, and solar heat gain, and would utilize high-efficiency heating, ventilation, and air conditioning (HVAC) systems, with many components designed to reduce energy consumption. The building would also have high-albedo roofs to reduce energy consumption and reduce the building's contribution to urban heat-island effect. Automated climate controls (programmable thermostats), motion sensors and efficient lighting would be incorporated in all areas controlled by the core and shell design (e.g., back of house, stairwells). Daylight harvesting would be used in areas where practicable and elevators with regenerative braking would be installed to further reduce electricity consumption. Exterior lighting would be energy efficient and directed. Large tenants would be provided with submeters for electricity allowing tenants to track and optimize their electricity use. Water conserving fixtures would be installed and water-efficient landscaping would be selected for terrace areas to reduce water consumption. The Proposed Development may include a cogeneration system and would use natural gas for the operation of the cogeneration (if utilized), heat and hot water systems.

The design of the Proposed Development is intended to produce a distinctive addition to the Midtown Manhattan skyline and would enhance East Midtown's status as a world-class commercial center. It is also intended to serve the City's goal of maximizing commercial development in areas that are well-served by mass transit and would contain ground floor retail uses and public space that contribute to a lively streetscape. The Proposed Development would include rooftop amenity space that would provide unique views of the city skyline and Midtown's architectural landmarks, including the Chrysler Building, Grand Central Terminal, the New York Public Library, and the Empire State Building.

The Proposed Development would include a wide array of connections to the pedestrian circulation network serving Grand Central Terminal and the subway, including three new elevators, four new escalators, multiple new stairways, the Intermodal Connector, and a range of improvements to entrances and exits, passenger wayfinding, and circulation capacity. These

connections, in conjunction with the proposed off-site improvements described below, would relieve pedestrian congestion within and around Grand Central Terminal.

Improvements to the Pedestrian Circulation Network

The Development Site would include the following on-site improvements to the pedestrian circulation network:

- A new ground-level entrance with escalator and elevator on East 42nd Street providing direct access to the Shuttle subway station, and providing below-grade connections to the Nos. 4, 5, 6, and 7 Subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level.
- A new ground-level Transit Hall (approximately 4,000 square feet) with entrances at East 43rd Street, providing stairway and elevator connections to the new below-grade corridor, with connections to East Side Access, the Shuttle, Grand Central Terminal, and the 4, 5, 6, and 7 subway lines.
- The new below-grade Intermodal Connector (10,100 square feet) providing connections between Long Island Railroad (East Side Access), Metro-North Railroad (Grand Central Terminal), and the 4, 5, 6, 7 and Shuttle subway lines using a variety of escalators, elevators and stairs.
- Three new elevators (between the Transit Hall and the Intermodal Connector, between East Side Access and the Intermodal Connector, and between East 42nd Street and the Shuttle Platform).

The proposal also includes the following off-site improvements:

- Design and improvement of the Vanderbilt Avenue public place as a pedestrian plaza with public amenities such as seating, planting and lighting. A conceptual design for

these improvements has been submitted to the New York City Department of Transportation (“DOT”). The final design of these improvements will be developed and reviewed in consultation with DOT (in accordance with current best practices in streetscape design) and will be subject to approval by the Public Design Commission (“PDC”). It is anticipated that full design development and review by DOT and PDC will occur following the completion of ULURP.

- A new stair in the cellar of the Pershing Building (located at the southeast corner of East 42nd Street and Park Avenue) that would connect the Grand Central – 42nd Street subway station mezzanine to the 4/5/6 subway platform.
- A new subway entrance with two new street-level subway stairs in the sidewalk at the southeast corner of East 42nd Street and Lexington Avenue that would connect to and open an existing 4,100 square foot below-grade passageway.
- Modification of stairs and columns on the Grand Central – 42nd Street 4/5/6 subway platform to provide more pedestrian circulation space and improve pedestrian flow.
- Modification of columns on the Grand Central – 42nd Street mezzanine to provide more pedestrian circulation space and improve pedestrian flow.
- Creation of 8,475 square feet of new and expanded Grand Central – 42nd Street station mezzanine paid areas in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4/5/6 subway platform. (A portion of the expanded mezzanine area is currently cellar space of a privately owned hotel. The MTA will need to acquire this space and perform preparatory work before certain work in this area may be commenced.)
- Replacement and widening of an existing street-level subway entrance at the northwest corner of East 42nd Street and Lexington Avenue with wider stairs and an elevator.

(Portions of the area required for the wider stairs and elevator is currently part of a privately owned hotel. The MTA will need to acquire this space before certain work in this area may be commenced.)

In total, the improvements would increase the Grand Central – 42nd Street station mezzanine areas by 14,105 square feet (38%).

REQUESTED ACTIONS

As described below, three special permits are necessary to facilitate the project.

Transfer of development rights from the Bowery Savings Bank (Section 81-635)

The Applicant is applying for a special permit to allow for the transfer of development rights from the Bowery Savings Bank building. Pursuant to Section 81-635, as proposed, the City Planning Commission may permit the transfer of development rights from a “granting lot” to a “receiving lot” within the Vanderbilt Corridor, provided that the resulting floor area ratio on the receiving lot does not exceed 30.0. The base FAR permitted in this area without a special permit is 15, which would allow 649,695 zsf on the Development Site. The Applicant is seeking a special permit that would increase the permitted bulk by 114,050.25 zsf (2.63 FAR). Although modifications of bulk regulations may be permitted pursuant to Section 81-635(c), no modifications are requested as part of this special permit, as all bulk modifications are being requested under Section 81-642.

Grand Central Public Realm Improvement Bonus (Section 81-641)

Section 81-64(a) provides that the City Planning Commission may permit the basic maximum FAR of 15.0 to be increased by up to 15.0 FAR provided that the development or enlargement includes, pursuant to Section 81-641, on-site or off-site, above or below-grade improvements to the pedestrian or mass transit circulation network. The Applicant is applying for a special permit pursuant to Section 81-641 to increase the maximum permitted floor area by 535,644.75 zsf (approximately 12.37 FAR). In conjunction with the proposed transfer of development rights

from the Bowery Savings Bank building, the total floor area of the building would be 1,299,390 zsf (30.0 FAR).

Permitted modifications in conjunction with Grand Central Public Realm Improvement Bonus (Section 81-642)

In conjunction with the Grand Central Public Realm Improvement Bonus, the Commission may permit modifications to the street wall, height and setback regulations, and mandatory district plan elements, pursuant to Section 81-642.

The following modifications are requested with respect to street wall, height and setback regulations, and the mandatory district plan elements:

- Mandatory District Plan Elements (Retail Continuity) - Section 81-42 requires that storefronts of permitted ground floor retail uses shall be no more than 10 feet from the street line. Because portions of the building frontage at the eastern end of East 42nd Street are more than 10 feet from the street line, a modification of the requirement is sought pursuant to Section 81-642(a)(3).

Section 81-42 requires that ground floor uses along designated retail streets shall be limited to retail, personal services or amusement uses permitted by the underlying zoning, but not including uses in Use Groups 6B, 6C, 7D, 8C, 8D, 9B, 10B, 11 and 12D, or automobile showrooms or plumbing heating or ventilating equipment showrooms. Because ground floor uses include entrances to amenity spaces at Level B1 and Level 2, which may include observation deck, lobby area, or other uses that are permitted by the underlying zoning (including uses proscribed by 81-42), modifications to these requirements are sought pursuant to Section 81-642(a)(3).

Section 81-42 also requires that street frontage along designated retail streets shall be allocated exclusively to the permitted ground floor uses, except that the following are also permitted: lobby or entrance space, entrance areas to subway improvements for

which bonus floor area is granted, and off-street improvements of access to rail mass transit facilities. Because a portion of the East 42nd Street frontage is allocated to the entrances to retail/amenity spaces at Level B1 and Level 2 that may not contain permitted uses, a modification of this requirement is sought pursuant to Section 81-642(a)(3).

Additionally, Section 81-42 provides that the length of street frontage along a designated retail street occupied by lobby space, entrance space, and/or building entrances shall not exceed the lesser of 40 feet or 25% of the total street frontage. Modifications of these requirements are sought pursuant to Section 81-642(a)(3) because 63 feet 11 inches of street frontage along East 42nd Street is occupied by entrance space leading to the retail/amenity space on Level B1 and Level 2, and 52 feet 6 inches of street frontage along Madison Avenue is occupied by lobby space, entrance space and a building entrance recess.

In addition, the modified application (150130 (A) ZSM requests an additional modification to these requirements, as the new entrance area along Madison Avenue would exceed the permitted width of entrance space along that street and the anticipated use (observation deck) is not among the listed uses permitted along Madison Avenue.

- Mandatory District Plan Elements (Street Wall Continuity) - Sections 81-43 and 81-621 provide street wall height and location requirements applicable to all frontages and restrict the aggregate area of recesses along each frontage. Waivers of these requirements are being sought pursuant to Section 81-642(a)(1) with respect to the street wall height and location, and the maximum area of recesses.
 - Street Wall Height - Section 81-621 provides that, along all frontages, the minimum permitted street wall height is 120 feet and the maximum permitted street wall height is 150 feet. Street wall heights along each frontage are non-compliant as shown on

plans Z-202, Z-203, Z-204 and Z-205. Accordingly, waivers of the required street wall heights are being sought for all frontages.

- Street Wall Location - Section 81-621 provides that 80% of the length of the street wall along East 42nd Street must be at the street line. The 42nd Street frontage of the Proposed Development angles back from street and does not remain at the street line.

Section 81-621 also requires that 80% of the length of the street wall along Vanderbilt Avenue must be within 10 feet of the street line. Although the building is at the street line along the majority of the Vanderbilt Avenue, it sets back more than 10 feet from the street line at the southern end in order to provide additional space for pedestrian circulation.

- Recesses - Section 81-43 restricts the aggregate area of recesses along each frontage. The aggregate areas of recesses along each frontage exceed the maximum recess areas permitted as shown on plans Z-202, Z-203, Z-204 and Z-205.
- Mandatory District Plan Elements (Pedestrian Circulation) - Modifications of the following pedestrian circulation space requirements of Sections 37-50, 81-45 and 81-625 are being sought pursuant to Section 81-642(a)(3):
 - Section 81-45 requires the provision of a minimum of 50% of required pedestrian circulation space along a wide street other than 42nd Street (i.e., Madison Avenue). The Proposed Development includes a sidewalk widening area along Madison Avenue, but it would only account for 1,405 square feet or 32% of the required pedestrian circulation space, with the remainder of required pedestrian circulation space provided along the other frontages of the building.

- Section 81-45 prohibits the location of sidewalk widening areas along 42nd Street. The requested modification would permit a sidewalk widening area along East 42nd Street.
- Section 37-53(f)(1) requires that sidewalk widening areas have a width of no less than 5 feet and no more than 10 feet. As shown on plan Z-206, the sidewalk widening area along East 42nd Street contains portions that are less than 5 feet wide.
- Section 37-53(f) requires that sidewalk widening areas must be open to the sky. Portions of the building are located over the sidewalk widening areas on East 42nd Street and Madison Avenue.
- Height and Setback - Compliance is required with Height and Setback Regulations of Section 81-26 (Daylight Compensation) or Alternative Height and Setback Regulations of Section 81-27 (Daylight Evaluation), as modified by the Special Height and Setback Requirements of Section 81-622. Because the building would not comply with these requirements, as shown in drawings Z-300 to Z-312, a special permit to modify height and setback requirements is being sought pursuant to Section 81-642(a)(2).
- Building Entrance Requirements - Modifications of the following building entrance requirements of Sections 81-47 and 81-623 are being sought pursuant to Section 81-642(a)(3):
 - Section 81-623 requires that building entrances on opposite street frontages shall be connected directly to the building lobby by providing a through block connection. Although the entrances on Vanderbilt Avenue and Madison Avenue would be connected to a common lobby, no through block connection is proposed.
 - Section 81-623 specifies that each required building entrance contain a building entrance recess area, in accordance with the specifications set forth in Section 37-

53(b) (including a depth of at least 10 feet). The Madison Avenue entrance recess area has a depth of 5 feet and the Vanderbilt Avenue entrance recess has a depth of 5 feet (not including door swings).

- Section 81-47(b)(2) provides that the major building entrance may be located on a wide street if a sidewalk widening area of 10 feet is provided along the wide street. A major building entrance would be located on Madison Avenue (80 feet wide), which has a 7 foot wide sidewalk widening area.
- Curb Cuts - Section 81-624 provides that the maximum width of a curb cut, including splays, is 25 feet. The proposed curb cut on East 43rd Street, including splays, would be approximately 51 feet.

ENVIRONMENTAL REVIEW

This application (C 150129 ZSM), in conjunction with the applications for the related actions (C 140440 MMM, N 150127 ZRM, C 150128 ZSM, C 150130 ZSM and C 150130(A) ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 14DCP188M. The lead is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on June 16, 2014, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on June 16, 2014. A public scoping meeting was held on July 16, 2014. A Final Scope of Work was issued on October 6, 2014.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on October 17, 2014. On February 4, 2015, a public hearing was held on the DEIS pursuant to SEQRA and other

relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during scoping and the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on March 20, 2015.

Significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of an (E) designation (E-357) on the Development Site as specified in Exhibit B attached hereto.

The Proposed Development as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and pedestrians). In addition, the FEIS analyzed a modification to the proposed special permit (ULURP No. 150130(A) ZRM) as an alternative (the “Modified Ground Floor Alternative”). The Modified Ground Floor Alternative would result in the same significant adverse impacts as the Proposed Development except for one additional impacted pedestrian crosswalk. The identified significant adverse impacts and proposed mitigation measures under the Modified Ground Floor Alternative are summarized in Exhibit A attached hereto.

A Technical Memorandum reflecting the Commission’s modifications discussed herein was issued on March 27, 2015. The Technical Memorandum concludes that these modifications would not have any new or different significant adverse impacts than those identified in the FEIS for the Modified Ground Floor Alternative.

UNIFORM LAND USE REVIEW

The original application (C 1501329 ZSM), in conjunction with the applications for the related actions (C 150128 ZSM and C 150130 ZSM), was certified as complete by the Department of City Planning on October 20, 2014, and was duly referred to Community Boards 5 and 6 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) in accordance with the procedures for ULURP matters.

Community Board Public Hearing

Community Board 5 and 6 held a joint public hearing on the original application and the related action on November 17, 2014. On December 11, 2014, Community Board 5 passed a resolution with 33 in favor, 0 opposed, 1 abstaining recommending denial of the application. On December 10, 2014, Community Board 6 passed a resolution with 39 in favor, 0 opposed, 1 abstaining recommending denial of the application, with conditions.

The Community Boards provided separate statements on the proposal setting forth their overall concerns about the plan for One Vanderbilt. Their overall concerns were grouped into the following categories: whether the current proposal optimized connectivity and pedestrian flow, whether the Public Plaza would be sufficiently open and appropriately maintained, whether the development achieved a sufficient degree of sustainability and the sufficiency the public realm improvements and the quantifiable nature of the bonus. The complete statements are attached to this report.

Borough Board Review

The application (C 150129 ZSM) and related applications (C 150128 ZSM and 150130 ZSM) were considered by the Manhattan Borough Board. On January 15, 2015, the Borough Board adopted a resolution to disapprove the applications with the following conditions:

“unless a responsible conclusion is reached on the issues of public access and public space relating to the Grand Central Terminal circulation network, the environmental sustainable requirements of the proposed zoning text relating to, and the method for, achieving significant FAR bonuses.”

The full Manhattan Borough Board recommendation is attached to this report.

Borough President Recommendation

This application, in conjunction with the related actions, was considered by the Borough President, who on January 28, 2015 issued a recommendation approving the application (C 150129 ZSM), with the following conditions:

That the Applicant, as stated in a letter to the Borough President dated January 28, 2015, honors their commitment to:

- Consolidate and reduce the retail frontage at Vanderbilt Avenue and East 42nd Street;
- Provide for ongoing maintenance of the Vanderbilt Public Place;
- Construct and ADA-compliant unisex restroom beneath the Transit Hall
- Work with the Department of City Planning, Community Boards 5 and 6, and the Borough President to finalize interior design of the Transit Hall and to enshrine a completed design in the special permit drawings or a future public process;
- Install an entrance from the retail space at East 42nd Street and Vanderbilt Avenue onto the Vanderbilt plaza and an entrance from the Transit Hall to the One Vanderbilt lobby;
- Continue to improve the energy efficiency of the proposed building as technology improves;
- Use every effort to preserve the decorative façade elements of 51 East 42nd Street and to provide for their future display; and
- Use materials and details on the East 43rd Street façade of the building at grade that are consistent with the overall aesthetic of One Vanderbilt;

A further condition is that The City Planning Commission, in exercising its discretionary approval, approve plans memorializing all key entrances connecting the plaza, transit hall, lobby, and retail use so that building connects to the plaza via exits other than the office lobby and so that the locations of such are not subject to change.

The full Borough President recommendation is attached to this report.

City Planning Commission Public Hearing

On January 21, 2015 (Calendar No. 9), the City Planning Commission scheduled February 4, 2015, for a public hearing on this application (C 150129 ZSM). The hearing was duly held on February 4, 2015 (Calendar No. 25), in conjunction with the public hearing on the related

applications (C 150128 ZSM, C 150130 ZSM and C 150130(A) ZSM), and the applications associated with the Vanderbilt Corridor (C 140440 CMM and N 150127 ZRM). The details of the Vanderbilt Corridor proposal can be found in the lead report for that application (N 150127 ZRM). A joint hearing was held for the Vanderbilt Corridor and One Vanderbilt, as the applications are related, and the special permits for One Vanderbilt are dependent upon the approval of the Vanderbilt Corridor.

There were 29 speakers in favor for the application, 15 in opposition and one speaker who remained unaffiliated.

Speakers in favor included the private applicant team for One Vanderbilt; the Borough President of Manhattan; the Metropolitan Transit Authority; the Regional Plan Association; the Municipal Art Society of New York; the Real Estate Board of New York; the Archdiocese of New York; Central Synagogue; the Grand Central Partnership; the Urban Land Institute; the American Institute of Architects; the American Planning Association's New York Metro Chapter; the Downtown Alliance; Straphanger's Campaign; the Hotel Trades Council; real estate development and property entities JP Morgan Chase and Empire Realty Trust; the Roosevelt Hotel; various trade unions for small contractors, plumbers and service employees; and other individuals.

Speakers in opposition included representatives of Community Boards 5 and 6; Landmarks Conservancy; Institute for Rational Urban Mobility; the City Club of New York; Midtown Trackage, the entity that owns the land beneath Grand Central Terminal; and other individuals.

The prevailing theme for those speaking in favor was the need for a new generation of modern, state-of-the-art, energy efficient buildings like the One Vanderbilt to ensure that East Midtown remains competitive in the coming decades. Among these speakers there was broad consensus that the Vanderbilt Corridor presents an ideal location for dense, transit oriented commercial development, which in turn would be an anchor for any future wider East Midtown rezoning proposals. The impacts and benefits of the proposed public realm improvements was a dominant

theme, particularly with regard to the below-grade transit upgrades associated with the Lexington Avenue subway and East Side Access connector. Speakers emphasized the outsized impact these measures would have on the transit system and economic vitality.

The private applicant team for One Vanderbilt spoke extensively in favor of the overarching goals of the proposals, emphasizing the major economic and public realm benefits that their development would bring to the area. As a major property owner in East Midtown, they reiterated their commitment to the neighborhood, but stressed the infeasibility of developing state-of-the-art office space under the current zoning regulations, especially on sites with older, tenanted buildings.

Regarding One Vanderbilt, the applicant team reviewed the proposed land use actions and spoke in detail about the proposed public realm improvements, particularly those related to the Lexington Avenue line and East Side Access connection. They stressed to the Commission that these measures would be delivered expediently and would dramatically reduce platform congestion and allow for one additional express train on the Lexington Avenue Line every peak hour. The applicant team fielded a number of questions from the Commission regarding the public realm improvement bonus. In particular, the Commission inquired about the maintenance program and capital fund for Vanderbilt Public Place and the design details of the transit hall and 42nd Street subway stairs.

The architect discussed the design for One Vanderbilt, emphasizing the tapering massing of the tower, the quality of its materials and its harmonious aesthetic relationship to Grand Central Terminal. Additionally, the applicant testified in detail to One Vanderbilt's proposed sustainability measures. The proposed design aims to be certified as LEED Gold under LEED Version 4, which will go into effect in 2016. They highlighted that LEED Gold under Version 4 is equivalent to LEED Platinum under Version 3, which is currently in effect. The Commission discussed the details of the LEED Version 4 Gold certification process and standards with the applicant team.

The Manhattan Borough President testified in support of the proposals, reflecting her conditional recommendation, which is attached to this report. She raised several key questions and areas of concern, primarily about One Vanderbilt's public realm improvements. She encouraged the Commission to carefully evaluate whether the proposed improvements warranted an FAR increase of 12 and expressed concerns that the transit hall was not fully designed yet. She outlined key features promised by the applicant such as seating and restrooms, which she asked to be finalized. She re-iterated her preference for SL Green to consolidate or relocate the ground floor retail, as noted in her conditional recommendation. She fielded questions from the Commission regarding the ongoing maintenance program and capital fund for Vanderbilt Public Place, which required finalization between the private applicant and the Grand Central Partnership. Regarding the text amendment, the Borough President suggested that the Yale Club and Roosevelt are worthy of landmark status.

Representatives from the MTA, including the Director of Station Planning, Senior Director of Strategic Initiatives and Director of Transit Oriented Development spoke in strong support of the Vanderbilt Corridor and One Vanderbilt. They acknowledged the tremendous benefit and increased connectivity that the below-grade public improvements associated with One Vanderbilt would bring, particularly in terms of increased line haul capacity of the Lexington Avenue subway. The MTA described a plan for a series of additional improvements at the Grand Central subway station that will greatly improve circulation and capacity. In addition, the MTA discussed planned and ongoing comprehensive upgrades to the Flushing and Shuttle lines. These improvements, mostly in the form of new or reconfigured stairs and escalators, have the potential to eliminate choke points and to double pedestrian capacity at key locations. The MTA briefly discussed the status of their five-year capital plan and noted the important role that private investment in transit infrastructure will play in fueling the region's continuing economic growth. They welcomed proposals such as the Vanderbilt Corridor that will include ongoing sources of revenue for transit investment. The Commission inquired about further packages of transit improvements that could be met through a future public realm improvement bonus, and how the MTA planned to prioritize station improvements outside of East Midtown in their capital plan. The Commission also asked questions regarding the width of the proposed 42nd Street subway

entrance within One Vanderbilt, which the MTA deemed to be sufficient for circulation purposes.

The MTA also spoke briefly about the RFP for the disposition of their former headquarters at 347 Madison Avenue, the proceeds from which will go into MTA's capital program. They voiced support for the Vanderbilt Corridor's increase in density, which will generate greater revenue from the disposition, and in turn, maximize public benefit.

Representatives from the real estate community and area property owners testified strongly in support of the Vanderbilt Corridor's general objectives and applauded One Vanderbilt as an exemplary development. They expressed general agreement that East Midtown's existing zoning is an impediment to upgrading and modernizing its aging commercial stock, and that One Vanderbilt serves as a model of collaboration between the public and private sector to generate the state-of-the-art, efficient and sustainable office space that top-flight tenants demand. A representative from JPMorgan Chase, the owners and tenants of 383 Madison Avenue, emphasized that the Vanderbilt Corridor will allow them to further invest in their property and re-commit to East Midtown.

Representatives from the Archdiocese of New York and from Central Synagogue praised the Department's proposal as a first step in the greater East Midtown Rezoning, which will allow greater flexibility for landmarks outside the Grand Central Subarea to transfer unused development rights to sites.

A representative for the Roosevelt Hotel extended support for the Vanderbilt Corridor, but expressed serious concern about the proposed special permit related to hotel use. The speaker posited that the special permit would be a unique burden on the Roosevelt Hotel and impair its ability to be enlarged. The speaker also posited that the Roosevelt Hotel is not at risk of becoming a limited service hotel, and the two other conceptual projected development sites identified in the EIS are unlikely to become limited service hotels either.

A representative of the Grand Central Partnership, the business improvement district whose boundaries encompass approximately 70 square blocks around Grand Central Terminal, including the entire Vanderbilt Corridor, spoke in strong support of the proposal. The Commission raised questions about Vanderbilt Public Place's programming and maintenance, and how that may affect the maintenance arrangement with the private applicant.

Representatives from the Regional Plan Association, the Urban Land Institute, the American Institute of Architects (AIA) and American Planning Association New York Metro Chapter (APA) each expressed strong support for the Vanderbilt Corridor's overarching goals. They focused on the appropriateness of encouraging density and growth in a core commercial district that is well served by mass transit, stressing that economic vitality, transit, and job opportunities are linked. They spoke of the importance of increasing the stock of modern office space in East Midtown in order to continue to keep the area economically competitive. They also spoke strongly in favor of the One Vanderbilt proposal for the improvements to Grand Central's transit infrastructure. The AIA representative spoke favorably about One Vanderbilt's design in particular. The APA representative raised concerns about its fenestration creating dead space at ground level, and tied it to general concerns about the proliferation of supertall towers in Midtown.

A representative of the Municipal Art Society also testified in support of the Vanderbilt Corridor and One Vanderbilt. While the representative strongly supported the text amendment's overarching goals, they raised concerns about the appropriateness of 30 FAR buildings fronting on all narrow streets, as well as whether the Landmark Preservation Commission will calendar historic resources within the corridor. They commended SL Green for One Vanderbilt's design and associated public realm improvements, but expressed the desire for publicly accessible observation decks on the top and second floors.

Representatives from the Downtown Alliance, the Straphangers Campaign and other individuals testified in support of the Vanderbilt Corridor for fostering transit oriented development and praised the below-grade public realm improvements associated with One Vanderbilt. They lauded the proposals as an excellent precedent and emphasized the knock-on benefits that the

below-grade improvements would have for city-wide transit congestion and economic productivity. A representative from the Downtown Alliance underscored that increasing peak-hour capacity and relieving transit bottlenecks at Grand Central would substantially benefit workers in Lower Manhattan.

Representatives from several trade and labor-related organizations, including the Hotel Trades Council; the Regional Alliance of Small Contractors; Plumbers Local Union 1 and SEIU 32BJ 75, a union representing janitors, doormen, and security officers, testified in support of the Vanderbilt Corridor and One Vanderbilt proposals. They voiced their appreciation for the new temporary and full-time jobs that the proposals would create.

Those speaking in opposition raised a number of concerns ranging from general questions about the text amendment to specific concerns about One Vanderbilt's design details. Dominant concerns from opposition speakers centered on the proposed public realm improvement bonus. In particular, speakers focused on whether the bonus devalued and constituted an unconstitutional taking of Grand Central's development rights and whether it set a problematic precedent of pitting landmark preservation against the need for transit improvements. Speakers in opposition also stated that the below-grade public realm improvements specific to One Vanderbilt unlawfully relieved the City of New York of a multimillion-dollar mitigation responsibility on the Lexington Avenue Line. The commission heard testimony on how to appropriately measure the bonus and whether the proposed densities were appropriate for the location, with speakers expressing fears that a canyon of 30 FAR buildings would spring up along narrow streets. Another major concern focused on historic resources that are not landmarked and whether the design of One Vanderbilt detracts from the historic qualities of Grand Central Terminal.

Representatives for Midtown Trackage, the entity that owns the land beneath Grand Central Terminal and the unused development rights associated with that land, testified in opposition to the proposed public realm improvement bonus. A Harvard University professor of constitutional law spoke on Midtown Trackage's behalf, asserting that the bonus rendered his client's

transferrable air rights worthless, which, in his opinion, would be considered an unconstitutional taking of their property. He argued that the City could be obligated to pay just compensation to Midtown Trackage, potentially saddling taxpayers with billions of dollars in debt. He cited the 1978 case *Penn Central Transportation Co. v. New York City* as the basis for this position.

The land use counsel for Midtown Trackage testified that the public improvement bonus breaks in an unprecedented fashion with the City's long-standing practice of expanded opportunities to transfer unused development rights to support landmark preservation. In their opinion, the bonus could undermine one of the pillars of the *Penn Central* decision and threaten the constitutionality of the Landmarks law. He argued that the City could have achieved the desired infrastructure investment and provided for adequate landmark transfer opportunities had they required One Vanderbilt's bonus FAR to be split evenly between improvement and transfer, and mandated public improvements in accordance with the landmarks transfer.

Additional representatives for Midtown Trackage testified that the public realm improvement bonus creates a scenario in which developers would be disincentivized from pursuing landmark transfers at a fair market price, because a more economically favorable deal could be negotiated with the city for much needed transit improvements. They characterized this as a 'race to the bottom' in which the city would always win, ultimately to the detriment of landmark preservation. One speaker testified that Midtown Trackage had always been willing to sell their air rights at a fair market price, but had not been approached by potential buyers, even in connection with the former MTA headquarters disposition. Midtown Trackage further testified that granting One Vanderbilt a special permit for their public improvement bonus would relieve the City and MTA of approximately \$43 million in environmental mitigation obligations associated with East Side Access and the Flushing Line extension.

Other speakers, including representatives from the City Club of New York and Community Board 6 echoed many of the above concerns about the public improvement bonus, including the relief of mitigation obligations and the potential for competition between landmark preservation and transit improvements. A representative from City Club of New York criticized the bonus,

insinuating that it is an unlawful form of ‘zoning for sale’ and a violation of the nexus doctrine under the Nollan-Dolan line of Supreme Court cases.

The Commission heard testimony from members of Community Board 5 and 6 and individuals concerning the impact of both the Vanderbilt Corridor and One Vanderbilt on light and air. Multiple speakers expressed concern that the proposal would allow for a canyon of 30 FAR buildings fronting on narrow streets. One speaker noted that One Vanderbilt’s daylight evaluation score is well below those of recently granted special permits. A speaker from Community Board 5 expressed concern that the pressure to use private developers to pay for vital transit improvements would likely grow and could overshadow the public’s need for light and air.

Representatives from historic preservation civic groups and Community Board 5 and 6, among other speakers, expressed concern that the Vanderbilt Corridor jeopardizes historic buildings that are currently not landmarked but they believe are worthy of landmark protection. Speakers gave particular consideration to original Terminal City structures. Certain speakers testified further that One Vanderbilt does not have a harmonious relationship to Grand Central, and echoed previous speakers’ concerns about creating a planning framework that pits landmark preservation against the need to upgrade to transit infrastructure.

The commission heard testimony on the topic of sustainability, with one individual expressing concern that One Vanderbilt should be held to LEED Version 4 platinum for core and shell.

The councilmember for City Council District 4, neither speaking in favor nor against the proposals, commended the Vanderbilt Corridor’s improvements from the City’s East Midtown proposal of 2013. The councilmember acknowledged that the rezoning would bring much needed upgrades to Grand Central Terminal’s infrastructure, and that the five blocks would be an appropriate location to encourage high-density development. However he shared the Community Boards’ concerns about a “canyon” of 30 FAR buildings along Vanderbilt Avenue. Regarding One Vanderbilt, he stressed the importance of delivering its below-grade public realm improvements prior to developing and occupying the site, but acknowledged that these

improvements are overdue and will undoubtedly have a positive impact on alleviating congestion on the Lexington Avenue line. He concluded by stating that the City Council must thoroughly vet whether the public realm improvements are significant enough to warrant the requested increase in density, and if not, what additional improvements would need to be delivered to the public.

There were a number of speakers and the hearing was closed.

The Commission received written testimony, both in favor and in opposition, subsequent to the hearing. The majority of written testimony in support of the proposals came from civic groups such as the Regional Plan Association, the Grand Central Partnership, the Downtown Alliance Manhattan and the Association for a Better New York. Other letters favorable to the rezoning came from property owners and real estate related organizations including the Real Estate Board of New York and representatives of the fee owners of 52 Vanderbilt Avenue, 250 Park Avenue, Lever House and the Lincoln Building. The Archdiocese of New York also submitted written testimony in favor of the proposal, on behalf of the trustees of St. Patrick's Cathedral.

Correspondence in opposition to the proposal came from a variety of individuals and groups. The City Club of New York submitted three reports elaborating on its spoken testimony at the hearing. They submitted recommendations for comprehensive land use and public realm plans centered on a re-envisioned Terminal City. A member of the City Club of New York and Community Board 6 provided written testimony outlining a series of improvements to One Vanderbilt's below and above-grade public realm improvements. A member of Community Board 5 submitted a letter urging the commission to require that One Vanderbilt achieve a LEED V4 Platinum certification for core and shell. An architect submitted correspondence elaborating on his spoken testimony criticizing One Vanderbilt's daylight evaluation score of -62, which breaks with recent precedents in Midtown. The Institute for Rational Urban Mobility submitted testimony in opposition, stating that bolder measures are needed to improve transit connections and the public realm in East Midtown.

CONSIDERATION

The Commission believes that the grant of this special permit (C 150129 ZSM), as modified, is appropriate.

The Commission believes the One Vanderbilt project is an exceptional proposal that accomplishes many of the City's goals for the Vanderbilt Corridor. The project would transfer unused floor area from an area landmark, supporting the continuing maintenance of the Bowery Savings Bank building. It would also provide significant transit and pedestrian realm improvements, particularly its significant package of improvements to the Grand Central-42nd Street subway station that would not just benefit the surrounding area, but also the functioning of the entire Lexington Line – the busiest line in the subway system.

In addition, the proposed building itself would be a significant addition to the East Midtown business district. It would provide the first new office space in at least a decade in the area around Grand Central Terminal, helping further the City's goal of keeping East Midtown one of the best business addresses in the world. It would also be one of, if not the, most sustainable office buildings in the city.

The building also befits its iconic and unique location next to Grand Central Terminal. It connects to and expands the vast below-grade network of the Terminal, providing improved access for thousands of daily commuters. Above-grade, it creates improved sightlines to the Terminal as well as a modern interpretation of the Terminal City-era buildings through its provision of high street walls that integrate this modern building into the area. Though its footprint and overall square footage is small compared to many other recent office buildings, it would be the tallest office building built in Midtown in recent years and, through its overall massing, provide a significant new addition to the area's skyline.

While the Commission is pleased with the proposal, it also notes that it heard testimony from a variety of people, including the Borough President, that the proposal could be improved, particularly at street level. Given the critical importance of this location in Midtown, the

Commission has taken these comments seriously and is therefore making a series of changes to improve this element of the project, which will be described below.

To facilitate the project, the Applicant has applied for three separate special permits – a floor area transfer through Section 81-635, and the two portions of the Section 81-64 Public Realm Improvement Bonus. As each of these permits has different conditions and findings, the Commission’s consideration of each of these applications is included separately below.

TRANSFER OF DEVELOPMENT RIGHTS BY SPECIAL PERMIT (C 150128 ZSM)

The Commission believes the transfer of unused floor area pursuant to Section 81-635, as modified through the Department’s Vanderbilt Corridor proposal (N 150127 ZRM), is appropriate. The Bowery Savings Bank building, a New York City designated landmark located along East 42nd Street to the east of the One Vanderbilt site, has unused floor area available for transfer. The special permit would allow 114,050 square feet of this floor area to transfer to the One Vanderbilt site, translating into approximately 2.63 FAR on the development site. This transfer would effectively exhaust the available floor area on the landmark site.

The Commission notes that a program for restoration and continuing maintenance of the Bowery Savings buildings was approved by the Landmarks Preservation Commission (“LPC”) in 2010. At that time, LPC requested the Applicant come back to provide an update on the design of the proposed building, given its location adjacent to Grand Central Terminal. Further, in a letter from LPC dated August 1, 2014, LPC stated that because there was no visual connection between the Bowery Savings Bank and the One Vanderbilt site, there was no need to make a finding concerning the harmonious relationship between the landmark and the proposed development.

Although not mandated by the Zoning Resolution at the time or Landmarks Law, LPC considered the relationship between the Proposed Development and Grand Central Terminal and, in its letter, expressed its support for the design of the new building. LPC’s letter did raise a series of issues about the proposed One Vanderbilt design, particularly in relation to the base of the

building. The Commission commends the Applicant for making changes to the proposed building reflective of those comments, including modifications to the south east corner of the building that pulled the building further back from the property line to allow better pedestrian circulation between East 42nd Street and Vanderbilt Avenue and to simplify the architectural composition of the Vanderbilt elevation.

The landmark transfer special permit has a number of other findings that are inapplicable in this instance because the One Vanderbilt proposal also includes an application for the Public Realm Improvement Bonus special permit. These include findings relating the building's massing, any necessary waivers, and the provision for public amenities through the landmark transfer. The Commission believes that, since the proposal also includes an application for the Public Realm Improvement Bonus, and that significant improvements are proposed through it as noted below, it is not necessary to require additional improvements through this permit.

PUBLIC REALM IMPROVEMENT BONUS SPECIAL PERMIT (C 150129 ZSM)

The Applicant is requesting a Public Realm Improvement Bonus special permit pursuant to Section 81-641, in order to receive approximately 535,645 square feet of additional floor area through the provision of pedestrian and transit network improvements. Including the transfer from the Bowery Savings Bank building, this would lead to the maximum 30.0 FAR on the One Vanderbilt site. The Commission believes this proposal, as modified, is appropriate.

In order to grant this additional floor area, the Applicant must comply with a series of requirements, such as minimum sidewalk dimensions which the Applicant has provided, and the Commission must make a series of specific findings relating to the proposed improvements, as well as the overall building proposal. While this is the first time the Commission is considering an application for this permit, it notes the process is not dissimilar to other bonus mechanisms like the subway improvement bonus available in high density areas of the city. The consideration first addresses the findings relating to the proposed improvements, and then focuses on the findings relating to the proposed building itself.

Proposed Improvements

Above-grade On-site Improvements

The portion of the proposal that is intended to meet the findings for the above-grade on-site public space is the Transit Hall. The Commission believes the space, as modified, will successfully play a dual role – acting as a major new transit connection, while also offering a high-quality prominent space that will be inviting to the general public.

The Commission believes the space is well-sited in relation to the above-grade and below-grade circulation networks in the area. Located at the ground floor at the corner of Vanderbilt Avenue and East 43rd Street, across from the Vanderbilt Portico entry to Grand Central Terminal, the public Hall will enhance access to Metro-North Railroad, the Long Island Rail Road through East Side Access, and the 4, 5, 6, 7 and Shuttle subway lines. A stairway approximately 10 feet wide and an elevator will provide direct access from the Hall into this below-grade network. Providing this entrance will improve circulation for pedestrians traveling above- and below-grade.

The Commission heard concerns about the access to the Transit Hall both from the office building's lobby as well as the adjacent Vanderbilt Place. The Commission is pleased that the Applicant amended its application to include the door to the building lobby, and the Commission is making such access a requirement for the space. In addition, the Commission believes it is important to additionally provide access from the Transit Hall to the adjacent Vanderbilt Place. While an entrance was originally being provided along East 43rd street close to the Vanderbilt space, the Commission believes moving the entrance will further improve pedestrian circulation in the area. Given this, the Commission is requiring that direct access between the Hall and Vanderbilt Place be provided.

The Hall will be approximately 4,000 square feet in area and at least 35 feet high, similar in scale to the successful indoor public space at One Bryant Park. The space will include a train schedule information board, seating, and tall tables for convenience of commuters as they wait for trains. The Hall would also provide active retail use such as a coffee bar, and additionally will be

in close proximity to active uses in the building at the western end of the East 43rd Street frontage. The Commission agrees with the Borough President that seating should be provided in the Hall and is therefore making it a requirement that at least seven benches for seating 14 to 21 people be provided in the space.

The Commission agrees that the interior will be designed with high-quality materials such as stone flooring. In addition, plans call for the northern and eastern walls to be constructed of highly-transparent, floor-to-ceiling glazing, providing unobstructed views into the space from adjoining sidewalks as well as from within the space to the monumental west elevation of Grand Central Terminal. The southern wall will be reserved for a special feature installation, such as a “living-wall” of planting or artwork. In addition, portions of the floor within the Transit Hall will be designed with glass plank flooring to allow natural light to illuminate the publicly accessible corridors below.

While the special permit drawings will provide much certainty as to the layout of the space, the Commission understands the Borough President’s desire to see the design of the space when it is finalized. As such, the Commission is requiring a chairperson certification be obtained by the Applicant before building permits for the building can be granted stating that the design has been presented to the Borough President and the local community board and complies with the special permit drawings.

In conclusion, by providing new connections from above-grade pedestrian circulation spaces in the immediate vicinity, and particularly from the west of Grand Central Terminal, through a grand and well-designed public space to the below-grade pedestrian circulation network serving Grand Central Terminal, the Commission believes the Transit Hall – with its required modifications - will be a high-quality public space that is part of a cohesive and harmonious site plan.

Above-grade Off-site Improvements

The Commission is also pleased that the proposal includes improvement to the public right of way of Vanderbilt Place that is located directly adjacent to the proposed building, as well as Grand Central Terminal. Transforming this area, which is currently used mainly for parking, would provide a significant new public space at an iconic location in East Midtown that would improve pedestrian circulation in the area and create a better overall user experience of the above-grade circulation network. While the Applicant has provided an initial illustrative design that looks to provide comfortable places for walking, resting and opportunities for planting, the Commission notes these improvements will undergo a public design and review process through the Department of Transportation's ("DOT") plaza program, as well as require approval of the Public Design Commission, as described in DOT's conceptual approval letter to the Chairperson, dated October 20, 2014. Further, in their letter, DOT stated that this review and approval process would occur closer to the construction of the space - not slated until a few years from now.

While the Commission is pleased the space will undergo its own rigorous public review through the plaza program, it understands the concerns raised at the public hearing about how the Commission could be expected to approve a bonus for a space when it does not know its intended design. The Commission is therefore pleased that the Department has worked with DOT on a series of key design principles for Vanderbilt Place, including that the space be a permanent, high-quality public open space befitting its location next to Grand Central Terminal and that it provide a vehicle-free environment to help pedestrians move in a safe and unimpeded manner. In order to ensure they are met by the final design, the Commission is requiring the Applicant request a letter of concurrence from the Chairperson at the time of the design process that the design meets these key design principles.

Below-grade Improvements

The Commission notes that the bulk of the improvements proposed as part of the project are located within – or provide better access to - the below-grade circulation network that exists around Grand Central Terminal, including the subway complex along East 42nd Street. The improvements themselves can be divided into two groups, those on-site and those off-site in the subway complex, with particular emphasis on the Lexington Line station. The on-site

improvements connect up the various transportation systems in the area in a clear and coherent framework and are made possible by the unique site location of the One Vanderbilt proposal. The off-site improvements were identified by the MTA as part of their station planning process, and would provide substantial benefits to pedestrian circulation in East Midtown, as well as – significantly - the overall city. Further, the MTA approved the conceptual plans for the improvements in a letter to the Chairperson dated October 16, 2014.

The Commission notes that the proposal includes a number of significant and generous connections between the above- and below-grade circulation networks in the area. On the One Vanderbilt site, these include the aforementioned connection in the Transit Hall on East 43rd Street, as well as the midblock access point along East 42nd Street. The East 43rd Street entrance would provide access on the site where none currently exists and improve pedestrian circulation west of Grand Central Terminal and reduce congestion at the western entrances to the Terminal. While there is an existing narrow entrance at East 42nd Street, the Commission notes that the proposal would greatly expanded it with widened stairs, escalators and an elevator that will improve access between the two networks. In addition, the entrance would now provide the southern-most access to the East Side Access concourse, as well as improved access to Grand Central Terminal itself.

The Commission heard testimony that the East 42nd Street entrance should be moved further west toward the intersection of Madison Avenue. While understanding the general intent of this suggestion, the Commission believes the Applicant has sufficiently demonstrated that such a move would cause greater at-grade pedestrian conflicts, is inconsistent with the Applicant's planning work with the MTA, and would cause significant below-grade challenges for the proposed building. Therefore, the Commission believes that the location of the proposed entrance should not be changed.

Beyond the One Vanderbilt site, the proposal includes two additional significant connections between the above- and below-grade circulation networks along Lexington Avenue. First, the proposal significantly improves the existing entrance at the northwest corner of East 42nd Street

and Lexington Avenue by providing a widened stair and a new elevator; and second, the proposal includes a brand new set of sidewalk subway stairs on the southwest corner of the intersection. This new set of stairs is a major improvement to the area, allowing pedestrians coming from the east better access to the below-grade network without having to cross the busy intersection.

While there was testimony that these stairs should be moved off of the sidewalk and into the adjacent building, the Commission does not believe such a change is warranted. First, the adjacent building is the landmark Mobil Building, and such a change would impact the façade of the building. Second, the sidewalk along East 42nd Street is quite wide, and the subway stairs are not expected to cause any issues for pedestrians in the area.

In addition to the at-grade connections described above, The Commission notes the proposal includes a series of major improvements to public accessibility in the below-grade pedestrian circulation network, both between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal. This is done through the provision of significant new connections and the reconfiguration of existing connections throughout the network.

On the One Vanderbilt site, the proposal includes an Intermodal Connector that provides new access between East Side Access, Grand Central Terminal and the 42nd Street subway complex. This connector – and its series of new stairs, escalators and elevators – provides a clear pedestrian network that will relieve congestion in the Terminal’s main concourse, improve access between all three transit facilities, and integrate them into a more-holistic complex.

Off-site in the Grand Central-42nd street subway complex, the proposal includes a series of significant improvements that will relieve pedestrian congestion in the Lexington Line portion of the station. The Commission further notes these improvements to the subway station are numerous. Specifically, they include:

- Three new stairs between the Lexington Line subway platforms and the mezzanine level.

- Reconfiguration of the other 11 existing stairs between these two levels to improve access, as well as significantly increase the space available to waiting passengers on the platforms.
- Expansion of the mezzanine level itself through the creation of additional pedestrian space in areas currently occupied by the cellar of the Grand Hyatt Hotel, which will be acquired by the MTA in the near future. Such work will transform the mezzanine level into a single, visually-coherent space. In total, the improvements would increase the mezzanine area by 38 percent.

The Commission notes that it heard little critical testimony about these improvements, speaking to the clear need for them. There was, however, concern about how some of these projects related to the environmental mitigation requirements for previous projects and the Commission believes it is important to address this in more detail.

Particularly, these concerns center around the three new stairs proposed between the Lexington Line subway platform and the mezzanine. Two of those stairs, specifically P24 and P25, were identified as mitigation measures in the 2005 Hudson Yards FGEIS. According to that analysis, these stairs were required as mitigation measures at the time of full build-out of the Hudson Yards project which was conservatively projected, then, in 2025, but is much more likely to be further in the future. The One Vanderbilt proposal would instead bring the construction of these two stairs much closer to the present day, bringing the benefits of improved access to many more commuters at this station and throughout the Lexington Line. The Commission believes the earlier development of these stairs would be a valuable improvement to the current poor conditions in the subway complex and is therefore a warranted improvement project regardless of its identification as a long-term mitigation for another project. The Commission further notes that the other stair (P10) was identified as a mitigation measure for the MTAs East Side Access project, however the Commission believes that nothing restricts the MTA from having this work accomplished by the One Vanderbilt project. Finally, the Commission understands that the overall list of improvements to the Lexington Line subway station requires these three stairs be provided in the earliest phases of the project, since only then would the other existing stairs be

able to be taken ‘off-line’ to be improved. For all these reasons, the Commission believes that their inclusion in the One Vanderbilt bonus proposal is not only warranted, but necessary, and therefore appropriate.

In addition, while one of the main beneficial features of the Public Realm Improvement Bonus is the requirement that the Applicant complete all the proposed improvements before the bonus floor area can be occupied, the special permit affords greater flexibility for improvements that require space that is not currently under the control of the public sector. For such improvements, the Commission is permitted to approve a phasing plan for those specific projects that recognizes the uncertain timeframe of the necessary acquisition. In this instance, a portion of the proposed improvements within the mezzanine area and space needed for one of the improved street entrances are currently under the control of the owner of the hotel located above the station. In order for the Applicant to perform the proposed work, the MTA will need to acquire this space and has been working with the property owner to do so. While the Applicant’s materials demonstrate the ability to complete the improvements before the bonus space would need to be occupied if the MTA acquires the space as it projects, the Commission believes it is appropriate to allow greater flexibility in the completion timeframe for these specific improvements in case the acquisition takes additional time.

Finally, the Commission believes that the improvements come with a number of significant enhancements to the environment of the below-grade circulation network including new daylighting opportunities, improved way-finding, and general finishes. Specific examples of these include the inclusion of a glass-block ceiling over the Intermodal Connector to bring day light down to the below-grade level, the improvement of the mezzanine level of the Lexington Line to current MTA finish standards, and new signage at all the proposed entrances.

As further required by the special permit, the Applicant has executed an agreement setting forth its obligations to establish a process for design development, construction, and maintenance of the proposed improvements. The Applicant will maintain the improvements that are on site, including the Transit Hall. Off-site, the MTA will maintain the improvements to the 42nd Street subway complex, while the Applicant will be responsible for the maintenance of Vanderbilt

Place. It is further expected that the hours of operation for the Transit Hall would be set in relation to Grand Central Terminal's hours, since it is explicitly connected into the Terminal, while Vanderbilt Place would be open at all times.

In addition to the above, the Commission believes that the public benefit from the proposed above- or below-grade improvements – in their entirety - to the pedestrian or mass transit circulation network merits the floor area being requested for the One Vanderbilt project pursuant to this permit.

The Commission notes there was a great deal of testimony about how the appropriate amount of bonus floor area should be determined for projects. The Commission understands this concern to an extent, particularly since this is a new bonus that allows for a wide variety of improvements to achieve the proposed floor area, and there is therefore less specific precedent to look back on. However, the Commission further notes that it has had a long history of determining appropriate bonuses through a variety of zoning special permit mechanisms, particularly the closely-related subway improvement bonus available in high-density areas of the city. Through all these special permits, the Commission is required to make the findings included within the permit. As described above, the Commission believes the various improvements, as modified, meet the findings for each of the specific improvement types.

Beyond these individual findings, the Commission is also required to consider whether the public benefit from the proposed improvements, in total, warrant the proposed bonus floor area. For the reasons described below, the Commission believes this is true.

First, the on-site projects would significantly benefit the movement of passengers from East Side Access around and through Grand Central Terminal. Absent the One Vanderbilt proposal, users of the new commuter system who are trying to reach the 42nd street subway complex or street level of 42nd street would have to make their way through the Terminal, further crowding this well-used transportation hub and some of its key passageways. The proposal instead includes a new connection that rationalizes access from East Side Access to points south and takes some of the burden off of the Terminal.

Second, through the variety of off-site transit improvements, the proposal would relieve congestion on the Lexington Line subway platforms, as well as the corridors and stairways serving all of the lines in the 42nd Street subway complex. Significantly, the Applicant has been able to demonstrate that these improvements would also reduce train dwell times for the Lexington Line at peak hours and therefore permit greater throughput for the entirety of the subway line. The Commission notes the significance of this improvement and the benefit it would have not only for the East Midtown area, but for all users of the Lexington Line - the subway system's busiest. The 42nd Street subway station is the bottleneck of the entirety of the line. The improvements included in the One Vanderbilt proposal would help solve this problem to the overall benefit of all commuters.

Third, the various improvements all improve way-finding and pathways between the subway complex and street level and provide an improved environment for pedestrians and commuters. With the improvements in place, commuters from the east would be able to access the subway without crossing Lexington Avenue, while pedestrians along 42nd Street at Madison and Lexington Avenue would have much-improved entrances into the below-grade complex. Further, the various improvements to the Lexington Line's mezzanine would create a much-improved and easier-to-navigate level through the removal of impediment areas, and replacement of the outdated finishes with new materials matching today's contemporary and improved standards.

Finally, the proposal provides significant new public spaces both on- and off-site in an area that has few public spaces. While Grand Central Terminal contains one of the city's most iconic public spaces - its main train hall - the surrounding area has few other significant public spaces. The One Vanderbilt proposal would help correct this by improving Vanderbilt Place at East 42nd Street into a 12,000 square-foot, high-quality public space. In addition, the One Vanderbilt building would also have the 4,000 square foot Transit Hall that would provide pedestrian access from East 43rd Street to the below-grade network, while also providing an indoor public space with seating and services for the public.

In total, the Commission believes these improvements are extremely significant and improve conditions in and around the Grand Central area, as well as for commuters throughout the Lexington Line, and therefore warrant the proposed floor area.

To assess this further, the Commission looked at information compiled by the Department for subway improvement bonuses that the Commission has approved since the mechanism's creation in 1982. The information makes clear that, while the amount of floor area proposed by the One Vanderbilt project is in scale with many previous subway bonuses, the scale of the improvements included in the One Vanderbilt proposal exceed any other project the Commission has seen. Finally, the Commission has assessed the information provided by the Applicant on the costs for the various improvement projects which were verified by the MTA. In total, these figures demonstrate the Applicant is expected to spend approximately \$210 million dollars on all of the improvements. This translates into nearly \$400 per square foot of bonus floor area, far in excess of the \$250 rate proposed for the District Improvement Bonus as part the 2013 East Midtown proposal. While not rising to the level of significance of the special permit's findings, the Commission believes these other metrics provide further evidence that the improvements warrant the proposed floor area bonus.

Proposed Building

While the Commission believes the proposed improvements warrant the proposed floor area, the Public Realm Improvement Bonus also includes a series of required findings to allow further consideration as to whether the proposed building also meets the high standards set through the permit. The Commission believes that, with the modifications described further below, the proposal meets these various findings relating to its ground floor, building's massing, and overall sustainability plan.

The Commission believes the ground floor level of the building contributes to a lively streetscape through the location of its proposed uses, pedestrian connections to surrounding areas, and the level of transparency. The Commission notes that because of the small size of the building footprint, and the fact all portions front onto a street or public space, the plan faces numerous challenges to creating a successful ground floor. However, the Commission believes

the proposed ground floor achieves this. The main entrance to the office lobby is located on Vanderbilt Place, with a secondary entrance on Madison Avenue. This configuration is appropriate and allows for ground floor retail space along East 42nd Street and Madison Avenue, where it is most desired, with the northwest corner of the site reserved for an entrance to the proposed observation deck. The Commission believes this location suggested by the Borough President is appropriate as it is better frees up the East 42nd Street frontage. These well-considered modifications also allowed for additional retail space being accessible from Vanderbilt Place at East 42nd Street. Loading and building services occupy a very limited portion of the frontage along East 43rd Street. Finally, the Transit Hall occupies the northeast corner of the site and connects to East 43rd Street and, as modified, Vanderbilt Place and the office building lobby; and the midblock East 42nd Street transit entrance helps further activate that street. The retail, building lobby, and Transit Hall all include significant amounts of transparency.

In addition, the ground floor of the building is set back in a number of places to help facilitate ground floor movement. A sidewalk widening is required along Madison Avenue and is provided. However, the most prominent widening is included along East 42nd Street, where the ground floor angles away from the property line toward Grand Central Terminal. Further, at the intersection of East 42nd Street and Vanderbilt Place, the building's ground floor is further pulled away to provide more circulation space at this critical intersection. This suggestion by LPC has significantly improved this location.

In addition, the variety of well-located and well-integrated connections to the below-grade pedestrian circulation network further integrate the building into the surrounding area, and reduce points of pedestrian congestion in the overall area. This is also furthered by the additional circulation space provided for people entering and exiting the building through the building entrance recesses on Madison Avenue and Vanderbilt Place that are designed to reduce congestion.

The Commission believes the general massing of the building ensures light and air to the surrounding streets and public spaces through the use of setbacks, recesses and other forms of articulation. The Commission heard testimony about how the building's massing is quite successful and reminiscent of many of New York's iconic skyscrapers. The Commission agrees with this view. The building's massing consists of a series of nested volumes that taper as they rise. The volumes result in ample recesses at the corners of the building, and the tapering of the tower ensures access to light and air at the surrounding street level and public spaces. The higher street wall along Madison Avenue is in keeping with the higher street walls found in older buildings along the street. Further, the lower recesses provided closer to the street along Madison Avenue, East 42nd Street and Vanderbilt Place would ensure access to light and air at street level. Finally, as the building rises, the nested volumes gradually drop off and result in an elegant, articulated tower top that is well-integrated with the building. The tapering form of the tower in conjunction with its spire would produce a distinctive addition to the Midtown Manhattan skyline.

The Commission also believes the proposed development demonstrates an integrated and well-designed façade that creates a prominent and distinctive building that would complement the character of the surrounding area and Grand Central Terminal. The proposed façade is composed of floor-to-ceiling glass accentuated with horizontal spandrels that will be clad in terracotta or similar materials. This unique design is reminiscent of buildings in the area with unique facades, such as the Mobil Building and the Chrysler Building. The inclusion of terracotta also helps integrate the building with the many stone-clad facades found in the area from the Terminal City-era.

The Commission believes that it is most important for the building to relate successfully to Grand Central Terminal, its most-immediate neighbor to the east. The Commission is therefore pleased that LPC reviewed and was approving of the design, and that the Applicant made changes reflective of LPCs suggestions on how to ensure the building had a successful relationship with the Terminal. The Commission considers the proposed building's base to be in scale with the height and massing of the landmark. Along the Vanderbilt frontage, the massing

steps back at the third floor level to defer to the scale of the Terminal, while the soffit of the proposed tower is located to match the height of the landmark. Further, along East 42nd Street, the street wall is set at an angle to the street to provide improved views of the Terminal from Madison Avenue. Combined, the angled setback and massing articulation create a distinctive building that complements Grand Central Terminal.

The Commission also agrees the building's program includes a mix of uses that are harmonious with the type of uses in the surrounding area. The building will contain a mix of commercial uses including office and retail, as well as additional uses that may include restaurant space and an observation deck. The proposed commercial uses are consistent with the City's goal of strengthening the commercial core of Midtown Manhattan and are similar to the office and retail uses already found throughout the surrounding area.

The Commission believes the proposed development comprehensively integrates sustainable measures into the building design that meet or exceed best practices in sustainable design and will substantially reduce energy usage for the building, as compared to comparable buildings. The proposal would contain a number of specific sustainable design features that would be comprehensively integrated into the proposed building including energy-efficient glazing, automatic climate controls, elevators with regenerative braking to further reduce electricity consumption, and water-conservation features. With the yet-to-be-determined inclusion of a cogeneration plant, the building would be approximately 14 percent more efficient than a baseline building under ASHRAE standards, or 5 percent more efficient than a baseline building without.

While the Commission heard a great deal of testimony at the public hearing as to whether the proposal for sustainable design demonstrated the best practices available, the materials provided by the Applicant clearly demonstrate the building would be at the forefront of ongoing office building design in the city. Compared to comparable buildings currently planned or underway, the One Vanderbilt project is expected to achieve the highest score amongst them – Gold certification - under the new LEED version 4 rating system for Core and Shell buildings. While many at the public hearing advocated for the building to aim for a Platinum rating, the materials

provided by the Applicant clarified the difficulties with attaining such a rating under the current system in New York absent having full control of future building tenants. The Commission is pleased the Applicant has agreed to make every effort to obtain a higher rating and the Commission has further requested the Applicant provide materials to the Department after the building has received its LEED certification to provide information as to the final score determination. The Commission notes this is the first requirement of its kind in the Zoning Resolution and an area where the Commission has little precedent. Therefore, having a record of what buildings developed under this provision achieved would be useful to facilitate its future use.

Additional Summary Findings

The Commission believes the increase in floor area proposed for the One Vanderbilt project would not unduly increase the bulk, density of population, or intensity of uses to the detriment of the surrounding area. The surrounding location is a high-density commercial area and is one of the densest in the city. Given the wide array of proposed improvements to pedestrian circulation that would ease existing congestion, the increase in floor area would not unduly increase the population density in the area. The environmental review for the project bears this out as no pedestrian or transit impacts were identified that could not be mitigated. In addition, the building will be located on a full city block at the intersection of two wide streets and adjacent to Vanderbilt Place and Grand Central Terminal. As such, the increase in bulk would be accommodated without detriment to Midtown Manhattan.

The Commission, however, heard testimony that future use of the Public Realm Improvement Bonus or improved landmark transfer on other sites in the Vanderbilt Corridor may not warrant such a high overall density. While the Commission understands that those sites to the north do not have the same locational features, it would review any future proposal in regard to this and the other findings to determine the appropriate density for those sites.

Finally, the Commission believes that all of the separate elements within the proposed development, including the improvements and the building, are well-integrated and will advance the goals of the Special Midtown District, particularly by strengthening the business core of

Midtown Manhattan and improving the area's pedestrian and mass transit circulation networks. The proposal includes a wide array of public amenities designed to enhance these network connecting Grand Central Terminal to the surrounding area, and enhances the role of the Terminal as a major transportation hub in the City. These improvements, and the overall design of the building, would also help to further reduce pedestrian congestion in the area, and are well-integrated into the building's ground floor and below-grade plans. In summary, the Commission believes the One Vanderbilt proposal will make a significant contribution to Midtown Manhattan.

PERMITTED MODIFICATIONS (C 150130(A) ZSM)

Pursuant to Section 81-642 of the Grand Central Realm Improvement Bonus, the Commission may grant waivers to the Mandatory District Plan Elements, the street wall and height and setback controls required for as-of-right buildings in the Special Midtown District. Each is addressed separately below.

Waivers to the Mandatory District Plan Elements

The Commission believes the waivers of the various mandatory district plan elements will result in a better site plan for the proposed development that is harmonious with the general intent of these requirements, which are primarily oriented toward the accommodation, safety and well-being of pedestrians. The Commission notes that the waivers are sought to facilitate specific desirable elements of the proposed development's ground floor plan and building base.

Along East 42nd Street, a number of waivers are sought to facilitate the proposed development's intent to provide better views to Grand Central by angling away from the street. These include waivers to retail continuity and sidewalk widening requirements. The Commission believes these modifications are appropriate as they facilitate a key desirable feature of the proposal.

Along Madison Avenue, waivers are sought to facilitate the proposed building's lobby entrance and access to the proposed observation deck. The proposed lobby, one of only two entrances to the proposed office building, is wider than typically permitted because the entrance also includes

the location of the required emergency access stairs. Given the site is surrounded by streets on all four sides, the Commission believes this modification is appropriate. In addition, the Commission notes the waivers required for the observation deck entrance were included in the amended application to facilitate suggestions by the Borough President to improve the southeast corner of the site. The Commission is pleased at this suggestion since it results in an improved condition at that important corner. On Madison Avenue, the observation deck entrance would still provide an active use on the street in the spirit of the underlying retail requirements.

Modifications to the Pedestrian Circulation Space requirements are also sought to facilitate the proposed ground floor. In this area, the pedestrian circulation space is required to be located primarily on Madison Avenue. However, because so much of the proposed circulation space is located on East 42nd Street through the sidewalk widening and the midblock subway entrance, this minimum cannot be achieved. In addition, the sidewalk widening proposed for both Madison and East 42nd Street are partially covered by building overhangs approximately 60 feet above street level. The Commission believes these overhangs would not be felt by pedestrians as they are quite high in the air. In addition, the Commission notes that permitting the building walls to come back to the property line facilitates a street wall condition more in keeping with the high street walls found along these streets.

Modifications to the building entrance and curb cut requirements are also sought to facilitate access to the proposed building. At the Madison and Vanderbilt entrances, recess areas with specific minimum dimensions would be required, however the proposed development includes smaller recesses to facilitate other aspects of the proposed ground floor. The Commission notes the as-of-right rules do not contemplate the required sidewalk widening along Madison Avenue and the Vanderbilt Place pedestrian area. Taking these additional pedestrian spaces into account, the Commission believes the smaller dimensions of the proposed lobby recesses would not cause pedestrian conflicts. This is also true of the requirement that major building entrances can only be provided on wide streets, in this instance Madison Avenue, if a 10 foot sidewalk widening is required. Given the limited options for entrances, and the desire to maintain maximum retail and

public access along East 42nd Street, the Commission believes the entrance on Madison Avenue as proposed is appropriate.

Additionally, the Subdistrict requires through-block sites to provide a through-block connection, however the proposal does not include one. The Commission believes this waiver is appropriate as such a connection is impractical and unnecessary on the full-block site surrounded by four streets, with so many pedestrian transit access points and a below-grade through-block connection being provided by the proposed development. Finally, the development requires a wider curb cut than is permitted under the Subdistrict's special requirements. The Commission believes a wider curb cut is appropriate given the building's limited footprint and the variety of public amenities being proposed on the ground floor. In addition, the Commission notes that the Applicant agreed with the Borough President's suggestion to ensure the design of the loading dock would be in keeping with the proposed building and the overall area.

Waivers to the street wall and height and setback regulations

The Commission believes the waivers to the street wall and height and setback regulations are appropriate and will result in an improved distribution of bulk on the zoning lot and are harmonious with the goals of the Special Midtown District.

A number of modifications to the special street wall requirements in the Grand Central Subdistrict are sought to facilitate the development of the building's proposed base. The Commission notes the street wall requirements in the Subdistrict are relatively rigid and allow for little design flexibility. The proposed building requests a number of modifications to these regulations to facilitate the proposed building's design that is intended to be more in keeping with the surrounding area. Along Madison Avenue, the proposal includes a street wall that rises above the permitted maximum height so as to better reflect the higher street wall context found along that street and includes recesses that would provide pedestrians greater access to light and air. Along Vanderbilt Avenue, the proposal includes a number of recesses to better relate to Grand Central Terminal and along East 42nd Street the proposal requires waivers to angle away

from the street and afford better views of the Terminal. The Commission believes these modifications are well-considered and appropriate.

Waivers are also sought to the height and setback regulations in the Special Midtown District and the Commission believes these are appropriate. The height and setback regulations are intended to offer “maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public streets and adjacent buildings.” As stated above, when considering the proposed building’s massing, the Commission believes the general design of the building ensures light and air to the surrounding streets and public spaces through the use of setbacks, recesses and other forms of articulation including its overall tapering form.

While the Commission heard testimony that the amount of height and setback waivers sought are excessive and should not be permitted, the Commission disagrees and notes the unique site circumstances and desirable features of the proposed design are mainly responsible for the building’s low ‘daylight evaluation score’ under the Special District’s regulations.

The Commission notes the existing Midtown height and setback controls were designed in 1982 to facilitate flexible as-of-right development on typical generic sites. It accomplishes this by requiring a specific ‘daylight evaluation score’, measured from pedestrian level, for each street frontage. The score is determined by how much of the available sky from the pedestrian perspective would be blocked by the proposed building. Those portions of the building closer to the pedestrian, like street walls, are therefore considered more impactful than higher tower portions and are heavily penalized beyond certain specific dimensions.

While these regulations have been successful in facilitating appropriate development in Midtown they do not account for the unique site circumstances of the Vanderbilt blocks. In most of Midtown, which consists mainly of long blocks, sites normally have three or fewer site frontages allowing greater design flexibility and ability to meet the height and setback requirements. The Vanderbilt blocks, being square and relatively small, are unique in Midtown, and are not well

accommodated under the existing regulations. The last development on a Vanderbilt block - 383 Madison Avenue – also required waivers from the Commission to facilitate that development.

In addition, the regulations assume street wall heights that are in keeping with most areas of Midtown but are not reflective of the high street walls found along Madison Avenue and in other Terminal City-era buildings in the area. The proposed building attempts to match this context and is penalized heavily under the height and setback regulations for doing so. Further, the large number of recesses the proposed development includes in the building's street wall that will provide improved access to light and air for pedestrians are not able to be included to improve the building's compliance score because portions of the building below 150 feet are specifically not included in compliance in the Grand Central Subdistrict. Nor do the regulations take account of light and air available through adjacent open areas like parks or landmarks like Grand Central Terminal.

The Commission notes that the 2013 East Midtown plan recognized these issues and proposed modifications to the height and setback regulations to better facilitate high-density commercial development in an as-of-right manner in the Grand Central Subdistrict, and along Vanderbilt Avenue in particular. However, these modifications were withdrawn with the rest of the proposal and the proposed development was not able to take advantage of these more-tailored regulations.

Instead, the Commission is permitted to allow such modifications for buildings in the Vanderbilt Corridor, at its discretion subject to the findings, through the Public Realm Improvement Bonus. This is an action the Commission has taken a number of times through other zoning mechanisms available in the Special Midtown District. In addition to 383 Madison described above, the Commission has allowed modification of the underlying height and setback regulations on a number of occasions to account for specific site conditions. For the 15 Penn project, this included consideration of the existing Manhattan Mall building and its high street walls. For the 20 West 40th Street project, it included provision for a sheer-rising tower that better matched that block's built form and location adjacent to Bryant Park. For the One Vanderbilt proposal, the

Commission again believes it is appropriate to use its discretion to permit a building that better relates to its context and the general purposes of the Special Midtown District.

CONCLUSION

The Commission believes the One Vanderbilt proposal will have transformative beneficial effects on the East Midtown area and looks forward to the project getting underway quickly. The Commission is pleased the Applicant has signed up a major tenant looking to occupy portions of the building in short order and has already begun emptying and demolishing the existing buildings on the site. The Commission awaits the completion of this new building and its contributions to the city's economy, transit network, streetscape and skyline.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 81-641 of the Zoning Resolution:

- (1) for above-grade improvements to the pedestrian circulation network that are located:
 - (i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a street or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active uses; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
 - (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the

Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

- (2) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:
 - (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding streets to the below-grade pedestrian circulation network;
 - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing connections; or
 - (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable.
- (3) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted to the proposed development or enlargement pursuant to this special permit.
- (4) the design of the ground floor level of the building:
 - (i) contributes to a lively streetscape through a combination of retail uses that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the building and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, building entrances, and the types of uses fronting upon the street or adjoining public spaces;
 - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
 - (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (5) the design of the proposed building:

- (i) ensures light and air to the surrounding streets and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the building;
 - (ii) demonstrates an integrated and well-designed facade, taking into account factors such as street wall articulation and amounts of fenestration, that creates a prominent and distinctive building which complements the character of the surrounding area, especially Grand Central Terminal; and
 - (iii) involves a program that includes an intensity and mix of uses that are harmonious with the type of uses in the surrounding area;
- (6) the proposed development or enlargement comprehensively integrates sustainable measures into the building and site design that:
- (i) meet or exceed best practices in sustainable design; and
 - (ii) will substantially reduce energy usage for the building, as compared to comparable buildings; and
- (7) in addition to the foregoing:
- (i) the increase in floor area being proposed in the development or enlargement will not unduly increase the bulk, density of population or intensity of uses to the detriment of the surrounding area; and
 - (ii) all of the separate elements within the proposed development or enlargement, including above- or below-grade improvements, the ground floor level, building design, and sustainable design measures, are well-integrated and will advance the applicable goals of the Special Midtown District described in Section 81-00 (GENERAL PURPOSES).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 20, 2015, with respect to this application (CEQR No. 14DCP188M), and the Technical Memorandum, dated March 27, 2015, (the “Technical Memorandum”), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Modified Ground Floor Alternative, as modified with the modifications adopted herein and as analyzed in Chapter 17, “Alternatives to the Proposed Actions,” of the FEIS and in the Technical Memorandum (the “Modified Proposed Action”) is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts identified in the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval pursuant to the Restrictive Declaration marked as Exhibit A hereto, all as acceptable to Counsel to the Department, is executed by Green 317 Madison LLC and Green 110 East 42nd LLC or its successors, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York, those mitigation measures that were identified as practicable and the placement of (E) designations (E-357) for Hazardous Materials, Air Quality, and Noise, which form part of the action.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for

the grant of a special permit pursuant to Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table, to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community Districts 5 and 6, is approved, as modified by the City Planning Commission, subject to the following terms and conditions:

1. The property that is the subject of this application (C 150129 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Kohn Pedersen Fox Associates, P.C. and Stantec Consulting Ltd., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z-102	Zoning Calculations	January 23, 2015
Z-103	Zoning Calculations	January 16, 2015
Z-104	Zoning Lot Site Plan	March 25, 2015
Z-105	Ground Floor Plan	March 25, 2015
Z-200	Retail Continuity – South/East 42 nd Street	March 25, 2015
Z-201	Retail Continuity – West/Madison Avenue	January 16, 2015
Z-202	Street Wall and Waivers – Sections	October 20, 2014
Z-203	Street Wall and Waivers – Section	October 20, 2014
Z-204	Street Wall and Waivers – Section	October 20, 2014
Z-205	Street Wall and Waivers – Axons	October 20, 2014
Z-206	Pedestrian Circulation and Waivers	March 25, 2015
Z-207	Building Entrance Recess and Retail Continuity	March 25, 2015

Waivers

Z-300	Daylight Compensation Analyses	October 20, 2014
Z-301	Daylight Compensation Analyses	October 20, 2014
Z-302	Daylight Compensation Analysis	October 20, 2014
Z-303	Daylight Compensation Analyses	October 20, 2014
Z-304	Daylight Compensation Analyses	October 20, 2014
Z-305	Daylight Evaluation Analyses	October 20, 2014
Z-306	Daylight Evaluation Analyses – VP1	October 20, 2014
Z-307	Daylight Evaluation Analyses – VP2	October 20, 2014
Z-308	Daylight Evaluation Analyses – VP3	October 20, 2014
Z-309	Daylight Evaluation Analyses – VP4	October 20, 2014
Z-310	Daylight Evaluation Analyses – VP5	October 20, 2014
Z-311	Daylight Evaluation Analyses – VP6	October 20, 2014
Z-312	Daylight Evaluation Analyses – VP7	October 20, 2014
Z-313	Daylight Evaluation Analyses – VP8	October 20, 2014
Z-400	Transit Hall – Plan	March 25, 2015
Z-401	Transit Hall – Sections	March 25, 2015
Z-402	Transit Hall – Details	March 25, 2015
Z-503	Zoning Envelope – Building Elevations and Sections	March 25, 2015
KP-1	On-site/Key Plan/Ground Level	March 25, 2015
KP-2	On-site/Key Plan/B1 Level	January 16, 2015
KP-3	On-site/Key Plan/B2 Level	October 15, 2014
KP-4	On-site/Key Plan/ESA Level	October 15, 2014
PV-1	On-site/Ground Level	March 25, 2015
PV-2	On-site/B1 Level	January 16, 2015
PV-3	On-site/B2 Level	October 15, 2014
PV-4	On-site/ESA Level	October 15, 2014
PV-5	On-site/Longitudinal Section 1	October 15, 2014
PV-6	On-site/Longitudinal Section 2	January 16, 2015

PV-7	On-site /Transverse Section 3	January 16, 2015
KP-1	Off-site/Key Plan/Ground Level	October 15, 2014
KP-2	Off-site/Key Plan/Mezzanine Level	October 15, 2014
KP-3	Off-site/Key Plan/Platform Level	October 15, 2014
PN-1	Off-site/North End/Ground Level	October 15, 2014
PN-2	Off-site/North End/Mezzanine Level	October 15, 2014
PN-3	Off-site/North End/Platform Level	October 15, 2014
PS-1	Off-site/South End/Mezzanine Level	October 15, 2014
PS-2	Off-site/South End/Platform Level	October 15, 2014
PM-1	Off-site/Mobile Passageway/Ground Level	October 15, 2014
PM-2	Off-site/Mobile Passageway/Mezzanine Level	October 15, 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration dated March 30, 2015, executed by 317 Madison LLC, 51E42 Owner LLC, SLG 48E43 LLC and SGL 331 Madison LLC, shall have been recorded in the Office of the Register of the City of New York, County of New York. Such Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 150129 ZSM), duly adopted by the City Planning Commission on March 30, 2015 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, Esq., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, BOMEI JUNG, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners

ALFRED C. CERULLO, III, Commissioner, Recused

Exhibit A

Environmental Impacts and Mitigation

In accordance with Vanderbilt Corridor and One Vanderbilt FEIS

Significant Adverse Impacts and Proposed Mitigation Measures

A private applicant, Green 317 Madison LLC (317 Madison), owns the portion of Block 1277 (Lots 20, 27, 46, and 52) in the Vanderbilt Corridor bounded by East 42nd and East 43rd Streets and Madison and Vanderbilt Avenues (One Vanderbilt site). The One Vanderbilt development as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and pedestrians). In addition, the FEIS analyzed a modification to the applicant's proposed special permit (ULURP No. 150130(A) ZRM) as an alternative (the "Modified Ground Floor Alternative"). The Modified Ground Floor Alternative would result in the same significant adverse impacts as the applicant's original proposed development except for one additional impacted pedestrian crosswalk. 317 Madison's modified application (ULURP Nos. 150128 ZSM, 150129 ZSM, and 150130(A) ZRM) under consideration by the City Planning Commission (CPC) is consistent with the Modified Ground Floor Alternative as analyzed in the FEIS.

The adverse environmental impacts of the One Vanderbilt development will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval pursuant to the Restrictive Declaration, those mitigation measures that were identified as practicable and the placement of (E) designations (E-357) for Hazardous Materials, Air Quality, and Noise as detailed in Exhibit B.

The mitigation measures as detailed below would be subject to approval by the New York City Department of Transportation (DOT) prior to implementation. The traffic mitigation measures entail signal timing changes, approach daylighting and restriping, and changes to parking regulations—standard measures routinely implemented throughout the City and generally considered to be feasible. The pedestrian mitigation measures that consist of relocation of non-fixed sidewalk/corner obstructions (i.e., newspaper boxes and trash receptacles) and widening existing crosswalks within certain guidelines are also routinely implemented and are generally considered feasible. The pedestrian mitigation measures that require physical changes to street geometry (i.e., sidewalk/corner extension), relocation of fixed DOT-owned sidewalk/corner obstructions (i.e., signal pole), and widening existing crosswalks beyond certain guidelines will be reviewed by DOT at the time of implementation; if these measures are deemed infeasible at that time and no other alternative mitigation measures can be identified, those impacts would be unmitigated. Those mitigation measures that require physical changes to street geometry as described below will be designed and constructed at the sole cost of 317 Madison.

Transportation – Traffic

Traffic conditions were evaluated at 31 intersections for the weekday AM, midday and PM peak hours and 10 intersections for the Saturday peak hour. The One Vanderbilt development would result in significant adverse traffic impacts at 14 intersections during the weekday AM peak hour, 6 intersections during the weekday midday peak hour, 14 intersections during the weekday PM peak hour, and 2 intersections during the Saturday peak hour.

With the implementation of these mitigation measures, which are subject to approval by DOT prior to implementation, most of the significant adverse traffic impacts could be fully mitigated. However, the significant adverse traffic impacts at the intersections of Third Avenue and East 42nd Street (weekday AM and midday peak hours), Lexington Avenue and East 42nd Street (weekday PM peak hour), Madison Avenue and East 42nd Street (weekday AM, midday, and

PM peak hours), and Fifth Avenue and 42nd Street (weekday AM, midday, and PM peak hours) could not be fully mitigated.

Third Avenue and East 42nd Street

The significant adverse impacts at the eastbound left-turn and eastbound through lane groups of this intersection during the weekday AM peak hour could not be mitigated. The significant adverse impacts at the eastbound left-turn, eastbound through, and westbound right-turn lane groups of this intersection during the weekday midday peak hour could not be mitigated.

The significant adverse impacts at the eastbound left-turn and eastbound through lane groups of this intersection during the weekday PM peak hour could be fully mitigated by shifting 1 second of green time from the northbound phase to the eastbound phase.

Third Avenue and East 41st Street

The significant adverse impact at the eastbound approach of this intersection during the weekday PM peak hour could be fully mitigated by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.

Lexington Avenue and East 42nd Street

The significant adverse impact at the southbound right-turn lane group of this intersection during the weekday AM peak hour could be fully mitigated by shifting 1 second of green time from the eastbound/westbound phase to the southbound phase. The significant adverse impact at the eastbound approach of this intersection during the weekday midday peak hour could be fully mitigated by shifting 1 second of green time from the southbound phase to the eastbound/westbound phase. The significant adverse impact at the southbound right-turn lane group of this intersection during the weekday PM peak hour could not be mitigated.

Park Avenue and East 47th Street

The significant adverse impacts at the southbound right-turn lane group of this intersection during the weekday AM and PM peak hours could be fully mitigated by shifting 1 second of green time from the westbound phase to the northbound/southbound phase.

Park Avenue and East 40th Street

The significant adverse impact at the southbound through (Viaduct Exit) lane group of this intersection during the weekday AM peak hour could be fully mitigated by restriping the eastbound approach from one 12-foot parking lane, one 12-foot left-turn/through lane, and one 10-foot right-turn lane to one 10-foot parking lane, one 11-foot left-turn/through lane, and one 13-foot right-turn lane; restriping the eastbound approach shared bike lane from the center lane to the south curbside lane; and shifting 1 second of green time from the eastbound phase to the northbound/southbound phase.

The significant adverse impacts at the northbound through/right-turn and southbound through (Viaduct Exit) lane groups of this intersection during the weekday PM peak hour could be fully mitigated by restriping the eastbound approach from one 12-foot parking lane, one 12-foot left-turn/through lane, and one 10-foot right-turn lane to one 10-foot parking lane, one 11-foot left-turn/through lane, and one 13-foot right-turn lane; restriping the eastbound approach shared bike lane from the center lane to the south curbside lane; and shifting 1 second of green time from the eastbound phase to the northbound/southbound phase.

Park Avenue and East 39th Street

The significant adverse impacts at the westbound approach of this intersection during the weekday AM and PM peak hours could be fully mitigated by shifting 1 and 2 seconds of green time from the northbound/southbound phase to the westbound phase, respectively.

Vanderbilt Avenue and East 46th Street

The significant adverse impacts at the southbound approach of this intersection during the weekday AM and PM peak hours could be fully mitigated by shifting 1 second of green time from the eastbound phase to the northbound/southbound phase.

Vanderbilt Avenue and East 42nd Street

The significant adverse impacts at the westbound through lane group of this intersection during the weekday AM and PM peak hours could be fully mitigated by shifting 1 and 2 seconds of green time from the northbound/southbound pedestrian phase to the eastbound/westbound phase, respectively.

Madison Avenue and East 44th Street

The significant adverse impacts at the eastbound approach and northbound through lane group of this intersection during the weekday AM and PM peak hours could be fully mitigated by restriping the eastbound approach (north to south) from one 9-foot parking lane, one 5-foot bike lane, one 10-foot moving lane, and one 9-foot parking lane to one 10-foot parking lane, one 5-foot bike lane, one 10-foot moving lane, and one 8-foot parking lane; by daylighting the north curbside of the eastbound approach (installing “No Standing 7 AM to 6 PM Monday to Friday”) for 100 feet to create an additional left-turn lane; and by shifting 1 second of green time from the eastbound phase to the northbound phase.

The significant adverse impact at the eastbound approach of this intersection during the weekday midday peak hour could be fully mitigated restriping the eastbound approach (north to south) from one 9-foot parking lane, one 5-foot bike lane, one 10-foot moving lane, and one 9-foot parking lane to one 10-foot parking lane, one 5-foot bike lane, one 10-foot moving lane, and one 8-foot parking lane; and by daylighting the north curbside of the eastbound approach (installing “No Standing 7 AM to 6 PM Monday to Friday”) for 100-feet to create an additional left-turn lane.

Madison Avenue and East 43rd Street

The significant adverse impacts at the northbound left-turn lane group of this intersection during the weekday AM and PM peak hours could be fully mitigated by shifting 2 and 1 seconds of green time from the westbound phase to the northbound phase, respectively. In addition, installing “No Standing Anytime” regulations for 75 feet on the north side of the East 43rd Street receiving leg would be needed; this would eliminate approximately two to three on-street parking spaces for commercial vehicle parking during weekday daytime hours and for general parking during other times.

Madison Avenue and East 42nd Street

The significant adverse impacts at the westbound through and northbound left-turn/through lane groups of this intersection during the weekday AM peak hour could be partially mitigated by restriping the northbound approach from one 12-foot west curbside lane, two 10.5-foot through

lanes, and one 12-foot right-turn lane to one 11-foot west curbside lane, two 11-foot through lanes, and one 12-foot right-turn lane.

The significant adverse impacts at the westbound through and northbound left-turn/through lane groups of this intersection during the weekday midday peak hour and at the westbound through lane group of this intersection during the PM peak hour could not be mitigated.

Fifth Avenue and 47th Street

The significant adverse impact at the southbound through lane group of this intersection during the weekday AM peak hour could be fully mitigated by shifting 1 second of green time from the westbound through phase to the southbound phase.

Fifth Avenue and 46th Street

The significant adverse impact at the southbound approach of this intersection during the weekday AM peak hour could be fully mitigated by shifting 1 second of green time from the eastbound phase to the southbound phase.

Fifth Avenue and 44th Street

The significant adverse impact at the southbound approach of this intersection during the weekday AM peak hour could be fully mitigated by restriping the eastbound approach from one 11-foot through lane and one 9-foot right-turn lane to one 10-foot through lane and one 10-foot right-turn lane; and by shifting 1 second of green time from the eastbound phase to the southbound phase.

The significant adverse impact at the eastbound right-turn lane group of this intersection during the weekday PM peak hour could be fully mitigated by restriping the eastbound approach from one 11-foot through lane and one 9-foot right-turn lane to one 10-foot through lane and one 10-foot right-turn lane; and by shifting 1 second of green time from the southbound phase to the eastbound phase.

Fifth Avenue and 42nd Street

The significant adverse impacts at the westbound approach of this intersection during the weekday AM, midday, and PM peak hours could be fully mitigated by shifting 1, 4, and 2 seconds of green time from the southbound phase to the eastbound/westbound phase, respectively. However, since these signal timing shifts would create new pedestrian impacts at the east and west crosswalks of this intersection during the weekday AM and PM peak hours and at the west crosswalk of this intersection during the weekday midday peak hour, they were deemed infeasible. Therefore, the significant adverse impacts during the weekday AM, midday, and PM peak hours could not be mitigated.

The significant adverse impact at the westbound approach of this intersection during the Saturday peak hour could be fully mitigated by shifting 1 second of green time from the southbound phase to the eastbound/westbound phase.

Sixth Avenue and West 42nd Street

The significant adverse impact at the westbound right-turn lane group of this intersection during the weekday midday and Saturday peak hours could be fully mitigated by shifting 4 seconds of green time from the northbound phase to the eastbound/westbound phase.

Transportation – Pedestrians

Pedestrian conditions were evaluated at 12 sidewalks, 15 corners, and 10 crosswalks for the weekday peak hours and 5 sidewalks, 5 corners, and 4 crosswalks for the Saturday peak hour. The One Vanderbilt development would result in significant adverse pedestrian impacts at 1 sidewalk during the weekday PM peak hour, 3 corners during the weekday AM and PM peak hours, and 1 corner during the weekday midday peak hour, and 5, 2, 5, and 1 crosswalks during the weekday AM, midday, and PM, and Saturday peak hours, respectively.

Madison Avenue and East 43rd Street

Corners

The significant adverse impacts at the northeast corner of this intersection during the weekday AM and PM peak hours could be fully mitigated by relocating a trash can that is obstructing pedestrian movements on this corner. To mitigate the significant adverse impact during the weekday midday peak hour, it would be necessary to also relocate the signal pole. After the issuance of the DEIS, subsurface plans from the New York City Department of Environmental Protection (DEP) were reviewed. These plans show that sewer and water main lines do not run through this corner. At the time of implementation, additional subsurface information related to the need for relocating public utilities (i.e., electric and gas lines) and sewer and water main service connections to individual buildings will be provided by the applicant to DOT for approval. Any required relocation of these subsurface elements will be undertaken at the applicant's expense. With regard to above-ground geometry and visibility, the relocation of this signal pole to the north just beyond the pedestrian crosswalk would not change the line of sight for motorists traveling northbound on Madison Avenue. Further, the additional distance from the stop bar of the northbound approach to the relocated traffic signal would not exceed the 120-foot maximum distance, as prescribed by the Manual on Uniform Traffic Control Devices (MUTCD), and can presumably be relocated to be aligned with the signal pole on the northwest corner of this intersection, which is located outside of that corner reservoir.

The significant adverse impact at the southwest corner of this intersection during the weekday PM peak hour could be mitigated by extending the curb line along East 43rd Street by half a foot. The adjacent lane is an 8-foot curb lane with daytime No Standing regulations. A 5-foot Class 2 bike lane separates this curb lane from the street's center travel lane. In accordance with DOT design standards, a curb extension at this location would involve creating a corner bulb-out 6 feet into the adjacent curb lane, which would provide more pedestrian space than would be necessary to mitigate the projected significant adverse corner impact. This bulb-out would not interfere with traffic flow but may eliminate one curbside parking space during non-daytime hours only.

Crosswalks

A significant adverse impact was identified at the south crosswalk of this intersection during the weekday AM peak hour. The impact can be fully mitigated by widening the crosswalk by 2 feet; however, it would exceed DOT's current guidelines for crosswalk widenings. If the widening is found to be infeasible at the time of implementation and no other alternative mitigation measures can be identified, the projected significant adverse impacts at this crosswalk would be unmitigated.

Madison Avenue and East 42nd Street

Sidewalks

A significant adverse impact was identified for the north sidewalk of East 42nd Street between Madison Avenue and Fifth Avenue during the weekday PM peak hour. The narrowest width along this sidewalk occurs adjacent to a permanent sidewalk newsstand kiosk that is approximately 6 feet wide and 11.5 feet long (69 square feet). According to the New York City Department of Consumer Affairs (NYCDCA), this type of kiosk can be no more than 72 square feet and can vary in widths (4, 5, and 6 feet) and lengths (8, 10, and 12 feet). At 317 Madison's expense, this newsstand kiosk can be reconstructed with a smaller width (i.e., 4 or 5 feet) to provide added pedestrian space on this sidewalk. With a 1-foot narrowing of the existing kiosk, which would result in a 1-foot widening of the existing sidewalk, the projected significant adverse pedestrian impact on this sidewalk would be mitigated.

Corners

Significant adverse impacts were identified for the northwest corner of this intersection during the weekday AM, midday, and PM peak hours. These impacts could be mitigated by extending the curb line along Madison Avenue by one foot. The adjacent lane is 10 feet wide and designated for daytime commercial loading/unloading and parking at other times. In accordance with DOT design standards, a curb extension at this location would involve creating a corner bulb-out 8 feet into the adjacent curb lane, which would provide more pedestrian space than would be necessary to mitigate the projected significant adverse corner impacts. This bulb-out would not interfere with traffic flow but may eliminate one curbside space for commercial loading/unloading during daytime hours or one parking space during non-daytime hours.

Crosswalks

Significant adverse impacts were identified for the north crosswalk of this intersection during the weekday AM, midday, and PM, and Saturday peak hours. Widening it by 4.5 feet would fully mitigate the projected impacts. However, because the existing stripings of this crosswalk already align with the adjacent building line at the northwest corner of Madison Avenue and East 42nd Street, DOT may deem this proposed crosswalk widening infeasible at the time of implementation as it exceeds their current guidelines for crosswalk widenings. If this widening is found to be infeasible by DOT at the time of implementation and no other alternative mitigation measures can be identified, the projected significant adverse impacts at this crosswalk would be unmitigated.

Significant adverse impacts were identified for the south crosswalk of this intersection during the weekday PM peak hour. Widening it by 0.5 feet would fully mitigate the projected impacts. However, because the existing stripings of this crosswalk already align with the adjacent building line at the southwest corner of Madison Avenue and East 42nd Street, this proposed crosswalk widening might be considered infeasible. If this widening is found to be infeasible at the time of implementation as it exceeds DOT's current guidelines for crosswalk widenings and no other alternative mitigation measures can be identified, the projected significant adverse impacts at this crosswalk would be unmitigated.

A significant adverse impact was identified for the east crosswalk of this intersection during the weekday PM peak hour. Widening this crosswalk by 1.5 feet would mitigate the projected impact. However, this widening would extend the existing outer striping of this crosswalk, which

is already beyond the adjacent building line, to slightly beyond the building chamfer on the southeast corner. If this widening is found to be infeasible at the time of implementation as it exceeds DOT's current guidelines for crosswalk widenings and no other alternative mitigation measures can be identified, then the projected significant adverse impact at this crosswalk would be unmitigated.

Madison Avenue and East 41st Street

Corners

The significant adverse impact at the northeast corner of this intersection during the weekday AM peak hour could be fully mitigated by relocating a trash can that is obstructing pedestrian movements on this corner.

Crosswalks

The significant adverse impact at the east crosswalk of this intersection during the weekday AM peak hour could be fully mitigated by providing 2 additional seconds of crossing time or by shifting 2 seconds from the eastbound phase to the northbound phase. Due to generally low traffic volumes on East 41st Street, this shift in signal timing is not expected to adversely affect traffic flow on East 41st Street.

Fifth Avenue and 42nd Street

Crosswalks

Significant adverse impacts were identified for the north crosswalk of this intersection during the weekday AM, midday, and PM peak hours. Widening this crosswalk by 4 feet would mitigate the projected impacts. However, this widening would extend the existing outer striping of this crosswalk two feet beyond the adjacent building line. If this widening is found to be infeasible at the time of implementation as it exceeds DOT's current guidelines for crosswalk widenings and no other alternative mitigation measures can be identified, then the projected significant adverse impacts at this crosswalk would be unmitigated.

Significant adverse impacts were identified for the south crosswalk of this intersection during the weekday AM and PM peak hours. Widening this crosswalk by half a foot would mitigate the projected impacts. However, because the existing stripings of this crosswalk already align with the adjacent building line, this proposed crosswalk widening might be considered infeasible. If this widening is found to be infeasible at the time of implementation as it exceeds DOT's current guidelines for crosswalk widenings and no other alternative mitigation measures can be identified, the projected significant adverse impacts at this crosswalk would be unmitigated.

Exhibit B (E) Designations

In accordance with Vanderbilt Corridor and One Vanderbilt FEIS

Green 317 Madison LLC (317 Madison) has a land use application (ULURP Nos. 150128 ZSM, 150129 ZSM, and 150130(A) ZRM) under consideration by the City Planning Commission (CPC) that would facilitate development the portion of Block 1277 (Lots 20, 27, 46, and 52) in the Vanderbilt Corridor bounded by East 42nd and East 43rd Streets and Madison and Vanderbilt Avenues (One Vanderbilt site).

The adverse environmental impacts of the One Vanderbilt development will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval pursuant to the Restrictive Declaration, those mitigation measures that were identified as practicable and the placement of (E) designations (E-357) for Hazardous Materials, Air Quality, and Noise as detailed below.

Hazardous Materials (E) Designation

As disclosed in Vanderbilt Corridor and One Vanderbilt FEIS, the (E) designation requirements related to hazardous materials would apply to the One Vanderbilt development site.

The (E) designation text related to hazardous materials would be as follows:

Any excavation or other early site work in connection with new residential and/or commercial development pursuant to Section 81-62 or Section 81-614(b) of the Zoning Resolution must ensure that the requirements as detailed below are complied with.

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the OER for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

Air Quality (E) Designation

As disclosed in Vanderbilt Corridor and One Vanderbilt FEIS, the (E) designation requirements related to air quality would apply to the One Vanderbilt development site.

The (E) designation text related to air quality would be as follows:

Any new residential and/or commercial development on Block 1277, Lots 20, 27, 46, and 52 pursuant to Section 81-62 of the Zoning Resolution must ensure that fossil fuel-fired boilers and/or cogeneration systems be fitted with low-NO_x emission burners firing natural gas, to avoid any potential significant impacts.

Noise (E) Designation

As disclosed in Vanderbilt Corridor and One Vanderbilt FEIS, the (E) designation requirements related to noise would apply to the One Vanderbilt development site.

The (E) designation text related to noise would be as follows:

In order to ensure an acceptable interior noise environment, future commercial uses must provide up to 34 dB(A) of window/wall attenuation with windows closed, in order to achieve interior noise levels of 50 dB(A). The minimum required window/wall attenuation for future residential uses would be 5 dB(A) more than that for commercial uses. To maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided. The specific attenuation requirements to be implemented throughout the project's building façades are provided in the *Vanderbilt Corridor and One Vanderbilt EIS*, **Table 13-9**.

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application Nos: C 140440 MMM, N 150127 ZRM, C 150128 ZSM, C 150129 ZSM, and C 150130 ZSM

Docket Descriptions:

VANDERBILT CORRIDOR

IN THE MATTER OF applications submitted by the New York City Department of City Planning:

C 140440 MMM – pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street;
- the establishment of Public Place above a lower limiting plane; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30244 dated October 17, 2014 and signed by the Borough President; and

N 150127 ZRM – pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

(See Continued)

COMMUNITY BOARD NO: 5 & 6

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

John A. Brewer

BOROUGH PRESIDENT

1/28/2015
DATE

Docket Descriptions, continued:

ONE VANDERBILT AVENUE

IN THE MATTER OF applications submitted by Green 317 Madison LLC and Green 110 East 42nd Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to:

C 150128 ZSM – Section 81-635 of the Zoning Resolution to allow the transfer of 114,050.25 square feet of floor area (2.63 FAR) from property located at 110 East 42nd Street (Block 1296, Lots 1001-1007) that is occupied by a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) ;

C 150129 ZSM – Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211* (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table; and

C 150130 ZSM –Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 & 6, Borough of Manhattan.

ONE VANDERBILT AVENUE – (A) Application

C 150130(A) ZSM – IN THE MATTER OF an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 & 6, Borough of Manhattan.



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Gale A. Brewer, Borough President

January 28, 2015

**Recommendation on ULURP Application Nos. C 150128 ZSM, C 150129 ZSM, and
C 150130 ZSM – One Vanderbilt Avenue
by Green 317 Madison LLC and Green 110 East 42nd Street LLC; and
Recommendation on ULURP Application Nos. N 150127 ZRM and C 140440 MMM –
Vanderbilt Corridor
by New York City Department of City Planning**

PROPOSED ACTIONS

The New York City Department of City Planning (“Department of City Planning” or “DCP”) seeks approval of a text amendment to modify Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) and 81-635 (Transfer of development rights by special permit). The text amendment would create two new special permits in the Zoning Resolution (“ZR”) subject to City Planning Commission (“CPC”) approval, Sections 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) and 81-642 (Permitted modifications in conjunction with additional floor area). In a related and concurrent application, Green 317 Madison LLC and Green 110 East 42nd Street LLC (the “Applicants”) seek approval of three special permits pursuant to ZR Sections 81-635, 81-641, and 81-642, to allow the transfer of floor area from a landmark building, to allow an increase in the maximum floor area ratio up to 30 FAR, and to modify, in conjunction with the increase in FAR in exchange for the provision of public realm improvements, street wall requirements, height and setback requirements, and mandatory plan elements, respectively, to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) (“1 Vanderbilt”). The site is located in a C5-3 District within the Special Midtown District (Grand Central Subdistrict) in Manhattan Community Districts 5 and 6.

Additionally, DCP seeks an amendment to the City Map pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code to designate the portion of Vanderbilt Avenue between East 42nd Street and East 43rd Street as a public place, dedicated to pedestrian uses, under city ownership and under the jurisdiction of the New York City Department of Transportation (NYCDOT). No floor area will be transferred from this portion to the adjacent, adjoining zoning lots.

In evaluating the text amendment, this office must consider whether the modifications and new special permits are appropriate and beneficial to the community in which the eligible sites and

proposed 1 Vanderbilt project are situated. Any changes to the city map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough.

Transfer of Development Rights

In order to obtain a special permit pursuant to ZR § 81-635, the design of the development must include a major improvement of the above or below-grade pedestrian or mass transit circulation network. This improvement must increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network connectivity. In order to allow the transfer of floor area from a granting lot, the requested permit requires that the CPC evaluate the benefits to the general public from the proposed improvement, and find that¹:

- (1) a program for the continuing maintenance of the landmark has been established²;
- (4) for developments or enlargements with a proposed floor area ratio in excess of 21.6 on zoning lots located within the Vanderbilt Corridor, the building has met the ground floor level, building design and sustainable design measures set forth in the applicable conditions and findings of Section 81-641;

Grand Central Public Realm Improvement Bonus

In order to obtain the second special permit pursuant to ZR § 81-641, the design of the development must include on-site or off-site, above or below-grade improvements to the pedestrian or mass transit circulation network, which may be provided in combination. In addition, the development will be evaluated to ensure that the proposed building represents an exceptional addition to the Special Midtown District. In order to allow an increase in the maximum permitted floor area ratio, or grant a floor area bonus, the permit requires that the CPC find that:

- (1) for above-grade improvements to the pedestrian circulation network that are located:
 - (i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is inviting to the public; provide suitable amenities for the occupants; front upon a street or a pedestrian circulation space in close proximity to and within view of an adjoining sidewalk; provide or be surrounded by retail uses; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the

¹ Improvements pursuant to findings (2) and (3) of this section are not required. Instead, improvements are provided and discussed in connection with the Grand Central Public Realm Improvement Bonus sought by the applicant under the special permit pursuant to ZR § 81-641. In addition, no modifications of bulk regulations are proposed pursuant this special permit. As such, findings (5) and (6) are not applicable.

² Per an Memorandum of Understanding (MOU 16-1080), dated August 6, 2014 with the New York City Landmarks Preservation Commission, a program for continuing maintenance of the Bowery Savings Bank, located at 110 East 42nd Street, a NYC Individual Landmark, has been established.

- immediate vicinity, and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
- (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable will create: street and sidewalk design that support smooth circulation with comfortable places for walking and resting; opportunities for planting and improvements to pedestrian safety; and a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;
- (2) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements, whether singularly or in any combination, will provide:
- (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding streets to the below-grade pedestrian circulation network;
 - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing conditions; or
 - (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;
- (3) the design of the ground floor level of the building:
- (i) contributes to a lively streetscape through a combination of retail uses that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the building and adjoining public spaces. Such design shall demonstrate consideration for the location of pedestrian circulation space, building entrances, and the types of uses fronting upon the street or adjoining public spaces;
 - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal; and
 - (iii) will be well-integrated with the on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (4) the proposed building:
- (i) ensures light and air to the surrounding streets and public spaces through the use

- of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the building;
- (ii) demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration, which create a prominent and distinctive building which complements the character of the surrounding area, especially Grand Central Terminal; and
 - (iii) involves a program that includes an intensity and mix of uses that are harmonious with the type of uses in the surrounding area;
- (5) the proposed development or enlargement comprehensively integrates sustainable measures into the building and site design that:
- (i) are in keeping with best practices in sustainable design;
 - (ii) will substantially reduce energy usage for the building as compared to comparable buildings; and
- (6) in addition to the foregoing:
- (i) the increase in floor area being proposed in the development or enlargement will not unduly increase the bulk, density of population, or intensity of uses to the detriment of the surrounding area;
 - (ii) the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted to the proposed development or enlargement pursuant to this special permit; and
 - (iii) all of the separate elements within the proposed development or enlargement, including above or below-grade improvements, the ground floor level, building design and sustainable design measures, are well-integrated and will advance the applicable goals of the Special Midtown District, described in Section 81-00 (GENERAL PURPOSES).

Modifications in Conjunction with Additional Floor Area

The third special permit, pursuant to ZR § 81-642 allows modifications of the street wall, height and setback regulations, and mandatory plan elements of the Special Midtown District as related to additional floor area. This permit can only be granted in conjunction with the special permit pursuant to ZR § 81-641. In order to allow these modifications, the permit requires that the CPC find that the proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed development or enlargement which is harmonious with the mandatory district plan element strategy of the Special Midtown District, as set forth in Section 81-41 (General Provisions); and
- (2) to the street wall or height and setback regulations will result in an improved distribution of bulk on the zoning lot which is harmonious with the height and setback goals of the

Special Midtown District, as set forth in Section 81-251 (Purpose of height and setback regulations).

PROJECT DESCRIPTION

The Department of City Planning proposes a text amendment to enable the development of new office space in the Grand Central Subdistrict and to facilitate improvements to the Grand Central Terminal pedestrian circulation network. SL Green proposes a new 30 FAR tower on the block immediately west of Grand Central that will utilize undeveloped floor area from the landmark Bowery Savings Bank building and will include a wide range of on- and off-site public realm improvements to generate a bonus of 12.37 FAR. The proposed public realm improvements would relieve congestion on the 4/5/6 subway line, would provide connections among the future LIRR concourse and the Metro North railroad and the subway system, would create a new Vanderbilt Avenue public plaza, and would create a new “Transit Hall” within the new building that could serve as a waiting area for Grand Central passengers.

Background

The development site and the Vanderbilt Corridor are within a C5-3 district within the Grand Central Subdistrict Core of the Special Midtown District. Established in 1982, the Special Midtown District lowered allowable densities in an effort to stabilize development around Grand Central Terminal and encourage larger developments in Times Square and other parts of Midtown. Adding to the Special Midtown District, the Grand Central Subdistrict was created in 1992 to allow the transfer of development rights from Grand Central Terminal and other landmarks to development sites in the area surrounding the station. The Grand Central Subdistrict consists of a core, which is bounded by Madison and Lexington Avenues, from East 41st to East 48th streets. The full Subdistrict extends beyond the core for an additional width of 125 feet (220 feet at 42nd Street) east of Lexington and west of Madison. Within the Grand Central Subdistrict, a 1.0 FAR transfer of air rights from New York City landmarks is allowed by City Planning Commission (“CPC”) certification (ZR § 81-634). In the core area, a special permit (ZR § 81-635) provides a higher density of 21.6 FAR through the transfer of landmark air rights. The special permit additionally requires the provision of a pedestrian improvement, which must be negotiated by developers with the MTA. Only one building, 383 Madison Avenue, has taken advantage of this special permit.

2013 East Midtown Proposal

The area affected by the proposed actions was previously the subject of the proposed East Midtown Rezoning (N 130247 (A) ZRM et al). The proposal was intended to encourage new office development in the neighborhood in order to strengthen the area’s role as a premier business district. The proposal would have modified zoning regulations for a 73-block area, which would have superseded the Grand Central Subdistrict. The proposal would have focused development around Grand Central Terminal. New developments that met certain lot size criteria in the area around the Terminal would have been eligible to achieve the highest permitted as-of-right density of 24.0 FAR. In addition, sites around the Terminal, including the Vanderbilt Corridor, would have been able to utilize a special permit for Superior Development in order to

achieve a maximum density of 30.0 FAR. The proposal would have created a mechanism to fund infrastructure improvements. In order to achieve the new, higher densities, developers would have needed to contribute to a District Improvement Fund. Development rights were essentially to have been sold by the City at a cost of \$250 per square foot, a value arrived at through an appraisal contracted by the City. Finally, the proposal created a broader process for the transfer of landmark air rights.

There was widespread discussion at the time over whether the proposed mechanisms were the most appropriate for the area. While there was wide agreement that the neighborhood was in need of public realm improvements and new Class A office space, there was significant concern over the use of the District Improvement Bonus and Fund to achieve these goals. During the public review process, many raised concerns over the sale of air rights by the City, and whether the City was unfairly competing with landmarks for the sale of these air rights. Additionally, the money raised by the air rights would have been allocated to transportation and public realm projects, but at the time no transparent process had been set for the disbursement of that funding. Furthermore, the plan would have allowed new development in advance of any improvements funded in association with that development. Finally, concern was raised over the as of right nature of the new densities, and whether more public review should be required for large buildings. Though the City Planning Commission approved the project, it was withdrawn during City Council review.

Concurrent to this application, the East Midtown Steering Committee, co-chaired by the Borough President and Councilmember Daniel Garodnick, is reviewing potential zoning changes to the wider East Midtown neighborhood. That group has been meeting since September 2014 and is expected to release its recommendations this spring. The group is examining a wide range of issues including protecting landmarks, improving the above- and below-grade pedestrian network, urban design, appropriate density levels, and the implementation of its recommendations. While the actions being proposed in this application are not being reviewed by the Steering Committee, the Vanderbilt Corridor plays an important role in the public realm of the entire neighborhood, so the Steering Committee reviewing potential pedestrian and transportation projects in the corridor. Furthermore, the future zoning recommendations of that group could affect properties in the Vanderbilt Corridor.

Area Context

The Vanderbilt Corridor is located in the East Midtown area of Manhattan Community District 5. The neighborhood is one of the densest commercial districts in the city, centered on Grand Central Terminal. The five blocks of the Vanderbilt Corridor are bounded by Madison and Vanderbilt Avenues, directly west of Grand Central Terminal, from East 42nd Street to East 47th Street. Many of the buildings in the Corridor and along the east side of Vanderbilt Avenue were constructed as part of Terminal City following the construction of Grand Central Terminal in 1913. The construction of these buildings, and the emergence of the neighborhood as a premiere office district, was directly correlated to the expansion of the city's rail infrastructure in the late 19th Century. As Cornelius Vanderbilt's New York Central and Hudson Railroads grew, East 42nd Street became the gateway for the majority of the city's travelers. At the turn of the century, the advent of electrified rails and the needs of a rapidly growing city led to the

construction of today's Grand Central Terminal, a modern, multi-level transportation hub. Lowering the previously surface-level tracks below-grade opened up a vast swath of real estate above, between Lexington and Madison Avenues from 42nd to 50th Streets. The railroads sold the development rights to this area as a means of financing the construction of the Terminal. Because these blocks were developed as part of one large project, buildings in the area, with some exceptions, retain a level of consistency in building form that is rare in the city. The majority of the buildings along Vanderbilt Avenue have consistent water table and cornice heights, which directly relate to various elements of Grand Central Terminal. These buildings are typically 20 to 25 stories and built to the lot line without any setbacks.

The Met-Life Building (formerly known as the Pan Am Building) at 200 Park Avenue is a notable exception to this form. Completed in 1963, the 59-story office tower is the second largest office building in the city, with approximately 3.1 million square feet of commercial floor area. The building sits directly north of Grand Central Terminal and consists of an oblong octagonal tower above an eight-story base at the same height as the Terminal.

Transportation

Grand Central Terminal is one of the busiest rail facilities in the country and its subway station is the second most used in the city. Grand Central connects the district via Metro North Railroad to the city's northern suburbs as well as parts of Connecticut. The Metro North Railroad brings over 80,000 daily riders into Grand Central, and the subway station's ridership is twice that amount; on an average weekday in 2013, the Grand Central Subway Station was used by 153,861 riders.³ The Lexington Avenue (4/5/6) line is the only line that operates over the entire length of the east side of Manhattan, and is consequently one of the most crowded in the City. The line carries over 1.3 million daily riders and operates significantly over capacity.⁴

Transit service to Grand Central is currently being expanded by two major public works projects: East Side Access and the Second Avenue Subway. The Long Island Railroad's ("LIRR") East Side Access project will connect Long Island Railroad commuters to Grand Central and will likely bring an additional 65,000 new riders into Grand Central during the weekday morning peak. Simultaneously, the Second Avenue Subway, currently under construction, will partially alleviate congestion along the Lexington Avenue subway line and will, as a result, provide East Midtown commuters with more transit options.

Grand Central Pedestrian Network

Grand Central Terminal and its associated subway stations form a sprawling underground network of passageways that extend over the entirety of the Vanderbilt Corridor and throughout much of the neighborhood. It is a complex below-grade pedestrian network consisting of platforms, mezzanine levels, and vertical circulation cores. However, the network's inefficiency results in sub-par operations and significant congestion. For example, platform crowding on the

³ MTA New York City Transit Ridership Data, 2013

⁴ Second Avenue Subway FEIS, 2004.

Lexington Avenue lines increases the time that trains must stop at the station, creating a bottleneck that reduces the efficiency throughout the system. Several planned improvements to this network have been identified as mitigation for the LIRR East Side Access project and the No. 7 extension/Hudson Yards redevelopment project.

Area Landmarks

The area around Grand Central contains a number of Landmarks Preservation Commission (“LPC”) designated landmarks, most notably the Terminal itself. Other nearby New York City landmarks include the Park Avenue Viaduct, the Bowery Savings Bank (110 East 42nd Street), the Chanin Building (122 East 42nd Street), the Socony-Mobil Building (150 East 42nd Street), the Chrysler Building (395 Lexington Avenue), and the Graybar Building (420 Lexington Avenue). Though all of these landmarks are within the Grand Central Subdistrict, which allows the transfer of unused floor area, only the Bowery Savings Bank and Grand Central Terminal have unused floor area, as the buildings were constructed prior to the existing zoning under regulations that allowed larger buildings. Some of these landmarks have FARs in the realm of those that would be allowed under this proposal. The Chanin Building and the Chrysler Building, for example, are constructed at 29.1 and 27.6 FAR, respectively. In addition to the designated landmarks, the Yale Club, the Roosevelt Hotel, and 52 Vanderbilt, located in the Vanderbilt Corridor, are considered eligible landmarks by the LPC.

Project Area and Project Site

The project area for the proposed zoning text amendment is the five blocks on the west side of Vanderbilt Avenue from East 42nd Street to East 47th Street. The project site for the proposed One Vanderbilt project is the southernmost of those five blocks, between East 42nd and East 43rd Streets. The five blocks affected by the proposed actions are rare in New York in their shape: almost perfect squares 200 feet long on each side. All five blocks sit 50 feet above the future concourse of East Side Access. The five blocks are described in more detail below:

Block 1277:⁵ The southernmost block of the corridor, hereafter referred to as the project site, is the site of the proposed One Vanderbilt development. The block is located immediately to the west of Grand Central Terminal, and is bordered at its southern end by the below-grade Shuttle platform underneath East 42nd Street. The block is occupied by four low- and mid-rise buildings with retail on the ground floor and office space above. While all of the buildings on the block are over 80 years old, the Vanderbilt Avenue Building at 51 East 42nd Street, completed in 1913, is the most notable. Designed by the firm Warren & Wetmore, the same architects as Grand Central’s façade, the building features a Beaux-Arts limestone lower façade with a cornice at the same level as the Terminal’s. The building also features elaborate stone carvings and detailed cast-iron elements that evoke the detailing on Grand Central.

⁵ While all of the blocks in the proposed Vanderbilt Corridor are complete blocks, surrounded by four streets, they share block numbers with the wider blocks to the west, between Madison and Fifth Avenues.

Block 1278: The second block of the proposed corridor is developed with one building, the Bank of America Plaza building. This block was originally home to the Biltmore Hotel, also designed by Warren & Wetmore, which was a designated landmark. Despite its landmark status, the building was stripped of its limestone, brick and terra-cotta façade in 1981 and re-clad as a glass curtain wall building. The building is 28 stories tall, and contains 874,734 gross square feet of floor area (approximately 20.2 FAR).

Block 1279: The third block of the corridor contains five commercial buildings and a ventilation building for the under-construction East Side Access project. The five commercial buildings were constructed between 1915 and 1926 and range in height from 13 to 22 stories. Historically notable on the block is the Yale Club at 50 Vanderbilt Avenue. The MTA has offices at 347 Madison Avenue, which are in the process of being vacated, and are the subject of a 2013 Request for Proposals (“RFP”) for redevelopment.

Block 1281: The fourth block of the corridor contains one full-block building, the Roosevelt Hotel, which was completed in 1924. The 19-story hotel contains 1,015 rooms and ground-floor retail along each street frontage. The building is considered by the LPC to be a landmark-eligible building. The building is constructed with an FAR of 13.81.

Block 1282: The final block of the proposed corridor, between East 46th and East 47th Streets, is developed with a single building occupied by the office of J.P. Morgan Chase, which opened in 2002. The 47-story building, 383 Madison Avenue, was the only project to use the existing ZR § 81-635 special permit for transfer of landmark air rights.

Proposed Vanderbilt Place: The proposed city map amendment will affect an approximately 12,000 square foot portion of Vanderbilt Avenue between East 43rd Street and East 42nd Street. Vanderbilt Street is currently owned and managed by the New York City Department of Transportation. Under the proposed action, this portion will remain under DOT jurisdiction. Vanderbilt Avenue has a mapped width of 60 feet including sidewalks and provides one-way north-bound vehicular travel with one lane of Citi Bike parking and one lane of vehicle parking.

Proposed Project

SL Green is proposing a 68-story tower on the development site with 1,399,390 square feet of floor area. The tapered office tower would reach a roof height of 1,414 feet with a spire above. Along the base of the building, the massing steps back at the third floor. Above the base followed by a recess, the bulk of the tower above would be cantilevered over the three-story base at a height ranging from 60 to 107 feet. Along East 42nd Street this cantilevered bulk rises from west to east to provide views of the cornice of Grand Central. The tower’s façades would be composed of floor to ceiling glass, accented by horizontal sections of terra-cotta between floors. The façade will be additionally articulated by projecting aluminum fins designed to cast shadows.

The ground floor level of the building would allow for sidewalk widenings along Madison Avenue and East 42nd Street. On top of this, the street wall would be set at an angle to East 42nd

Street to create an even wider sidewalk as the building approaches Grand Central. The southeast corner of the building at the base would be cut away to increase space for pedestrian circulation.

Ground Floor Uses

Along East 42nd Street the ground floor will contain retail use at the western portion of the site. Though it is not included in the application materials, the applicant proposes that the tenant of this space will be a bank. At the midblock will be a subway entrance with an escalator to the B2-level Shuttle platform, a stair to the B1 “Intermodal Connector” (to be described in more detail below), and an elevator that will access both levels. There is an existing subway entrance on this site which is being replaced and expanded as part of this proposal. The eastern portion of this frontage will contain two small retail spaces, one of which would connect to a larger space on the B1 level, the other of which would connect to a second floor space. It is proposed that one potential occupant of the lower-level space would be a lobby for a rooftop observation deck, which the applicant is considering including.

Along Madison Avenue, SL Green proposes a 32-foot wide central building lobby, flanked by retail spaces to the north and south. Fronting on the proposed Vanderbilt Avenue Public Place would be 100 feet of building lobby, though only 30 feet of that frontage is proposed as entryway. To the south of the lobby would be the retail facility proposed along East 42nd Street, with no entrance proposed onto the public space. To the north of the lobby the applicant proposes the Transit Hall, to be described in greater detail below, which would have entrances along East 43rd Street, rather than onto the public place. Also on East 43rd Street would be a midblock entrance to two truck elevators which would provide access to the below-grade loading area located on the B3 level. These loading docks would be accessed by a single curb cut of up to 30 feet in width. Adjacent to the loading areas, to the west, would be an entrance to the building’s Dock Master Offices and Messenger Center. Finally, to the western edge of this frontage would be the aforementioned retail space, with entrances on Madison Avenue.

Proposed Public Amenities

SL Green proposes a package of on- and off-site improvements to the pedestrian circulation network. As proposed these improvements would generate a bonus of 12.37 FAR. The proposed on-site improvements are as follows:

On-Site:

1. A new subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the shuttle subway station and providing below-grade connections through the Intermodal Connector to the 4, 5, 6, and 7 subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level.
2. A new 4,000 square foot “Transit Hall,” with entrances on East 43rd Street, providing stairway and elevator connections to the new Intermodal Connector. The space would include a train schedule information board, seating, and tall tables. While plans are not finalized, it is expected that the Transit Hall would provide a retail use such as a coffee

concession. Portions of the floor within the Transit Hall will be designed with glass plank to provide natural light to the publicly-accessible corridors below.

3. New elevator and escalator connections from East Side Access through the development site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines.
4. A new, "Intermodal Connector" on the B1 level providing connections between the LIRR, Metro-North, and subway lines.

Off-site:

1. Design and improvement of the Vanderbilt Avenue Public Place as a pedestrian plaza with public amenities such as seating and planting. A conceptual design for these improvements has been submitted as part of this application, but final design will be developed in consultation with the Department of Transportation and will be subject to approval by the Public Design Commission following the completion of ULURP.
2. A new stair in the cellar of the Pershing Square Building (located at the southeast corner of East 42nd Street and Park Avenue) that would connect the Grand Central subway station mezzanine to the 4/5/6 platform.
3. A new subway entrance with two new street-level subway stairs in the sidewalk at the southeast corner of East 42nd Street and Lexington Avenue that would connect to and open an existing below-grade passageway to the Grand Central subway mezzanine.
4. Modification of stairs and columns on the 4/5/6 subway platform to provide more pedestrian circulation space and improve flow.
5. Creation of 8,475 square feet of new and expanded Grand Central mezzanine areas in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4/5/6 platform.
6. Replacement and widening of an existing street-level subway entrance at the northwest corner of East 42nd Street and Lexington Avenue with wider stairs and an elevator.

Sustainable Design Measures

The proposed building includes sustainable design measures to reduce the energy use of the building. With these measures, the building will be 14.01 percent more efficient than a baseline building designed pursuant to the American Society of Heating, Refrigerating and Air Conditioning Engineers 90.1 ("ASHRAE 90.1"), 2010, standard. The building would be designed to achieve a LEED Gold Certification under the LEED v4 for Core and Shell rating system.

Proposed Actions

DCP and the applicants propose a city map change, a text amendment, and three special permits, respectively, in order to facilitate the commercial development at One Vanderbilt.

City Map Change (C 140440 MMM)

DCP proposes to permanently close a portion of Vanderbilt Avenue to vehicular traffic and designate the area between East 42nd Street and East 43rd Street as a public place ("Vanderbilt

Place”). This action will allow for Vanderbilt Place to be improved as a pedestrian plaza under the DOT plaza program.

Zoning Text Amendment (N 150127 ZRM)

DCP proposes to modify ZR § 81-635 (Transfer of Development Rights by Special Permit) and create two new special permits, §§ 81-64 (Grand Central Public Realm Improvement Bonus) and 81-65 (Special Permit for Transient Hotels).

ZR § 81-635 would be modified to increase the maximum permitted on-site FAR in the Vanderbilt Corridor from 21.6 to 30.0. Sites surpassing the current 21.6 limit would be required to meet the findings in the Grand Central Public Realm Improvement Bonus, discussed below, regarding the design of the proposed building. In order to encourage landmark transfers within the Vanderbilt Corridor, the revised text would remove the existing requirement that each transfer proposal include a major improvement to the transit and public realm network. Similar to the ZR §74-79 special permit, the inclusion of such improvements would be at the CPC’s discretion.

The new ZR§ 81-64 (special permit would allow density increases up to a maximum of 30.0 FAR through the provision of transit and public realm improvements in the Grand Central Subdistrict. The amount of floor area to be granted by the CPC would be determined based on the public benefit derived from the proposed improvements. The proposal would require construction of the improvements by the developer prior to the issuance of a temporary certificate of occupancy for the bonused floor area. For each type of improvement (on-site and off, above-grade and below) the special permit includes specific conditions and application requirements to allow the CPC to determine the scope of the proposed improvements. Prior to the grant of a special permit, the applicant would be required execute an agreement setting forth the obligations of the owner to: establish a process for design development and a preliminary construction schedule for the proposed improvements; construct the proposed improvements; establish a program for maintenance; and establish a schedule of hours for public access. These agreements would not be a part of the ULURP application and would therefore not be subject to public review.

In addition to findings related to the proposed improvements, the applicant would be required to meet findings related to the design of the building, including its ground floor, building massing, design, and sustainable design features.

A second, related special permit, ZR § 81-642, would allow modification of bulk and urban design requirements in order to allow the development of the proposed building.

Finally, the proposed text amendment would create a new special permit for transient hotels within the Vanderbilt Corridor, ZR § 81-65. Under the special permit, any new hotel in the Vanderbilt Corridor would be required to meet findings that the hotel is appropriate to the business uses in the area and includes services tailored to business travelers.

Special Permit for Transfer of Development Rights (C 150128 ZSM)

SL Green is applying for a special permit pursuant to ZR § 81-635 for the transfer of 114,050 square feet (approximately 2.63 FAR) of unused development rights from 110 East 42nd Street (the landmark Bowery Savings Bank building). In 2010 the applicants received approval from the Landmarks Preservation Commission for a restoration program and continuing maintenance program for the Bowery Savings Bank building. Under that agreement, the applicant agreed to perform restoration work on that building including façade patching, window restoration, replacement of the main entrance storefront, replication of various historic light fixtures and signs, and restoration of the East 42st Street garage entrance.

Special Permit for Grand Central Public Realm Improvement Bonus (C 150129 ZSM)

The second special permit SL Green is applying for is pursuant to ZR § 81-641. This special permit would allow the basic maximum floor area ratio (FAR) of 15 to be increased by up to 15 FAR, for a total permitted 30 FAR for the commercial building as long as the development provides on-site or off-site, above or below-grade improvements to the pedestrian or mass transit circulation network. The applicant is proposing a combination of improvements, described more fully in the proposed project section of this recommendation. As of right, the total permitted commercial floor area would be 649,695 square feet (15 FAR). The applicant is requesting an additional 535,644.75 square feet in floor area, or 12.37 FAR, for the Grand Central Public Realm Improvement Bonus. If granted, with the transfer of development rights from the Bowery Savings Bank Building, the total maximum permitted FAR for One Vanderbilt would be 30 FAR.

Special Permit for Modifications in Conjunction with Additional Floor Area (C 150130 ZSM)

Thirdly, SL Green is applying for a special permit pursuant to ZR § 81-642 to allow, in conjunction with the special permit pursuant to ZR § 81-641, modifications to height and setback requirements and to the mandatory district plan elements and Grand Central Subdistrict special regulations in order to accommodate any additional floor area granted in exchange for the provision of public realm improvements.

As proposed, the project does not comply with either the height and setback requirements of ZR § 81-26 (Height and Setback Regulations –Daylight Compensation) or ZR § 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), as modified by the subdistrict requirements of ZR § 81-622 (Special height and setback requirements). The areas of encroachment are shown in the Z-300 series of plans dated October 20, 2014 and submitted as part of the certification package.

The modifications to the mandatory district plan elements and subdistrict special regulations are focused on retail continuity, street wall continuity, pedestrian circulation, building entrances, and curb cut regulations. The applicant requests relief from the retail continuity requirements of ZR § 81-42 to allow storefronts to be more than 10 feet from the street line, to allow for different types of ground floor retail than what is otherwise permitted, to allow street frontage to be allocated for access to other retail spaces on the second floor and below-grade and to permit the lobby space,

entrance space and/or building entrances to exceed 40 feet of the total frontage. The applicant also requests relief from the street wall requirements of ZR § 81-43 and ZR § 81-621 to exceed the maximum street wall height without setback along all frontages and to modify the locational requirements of the street wall along the new Vanderbilt Place and East 42nd Street.

While no waivers are requested from the required amount of pedestrian circulation space, a waiver is needed to modify the locational and sidewalk widening requirements of ZR § 81-45 and ZR § 37-50, which require that a minimum of 50 percent of the circulation space should be along a wide street other than 42nd Street and that, where sidewalk widenings are permitted, they should have a width of no less than 5 feet and no more than 10 feet. Less than 50 percent of the required pedestrian circulation space is provided along Madison Avenue. No sidewalk widenings are permitted along East 42nd; a sidewalk widening from zero to 10 feet is provided along this street. In relation to the requirements of building entrances, the applicant requests a modification to ZR § 81-623 to allow for no through block connection between Vanderbilt and Madison Avenues and to allow the Madison Avenue and Vanderbilt Place entrance recesses of 5 feet instead of the minimum depth of 10 feet. Lastly, the applicant requests a waiver of the maximum width requirements of ZR § 81-624 to permit a curb cut width of 51 feet for two-way traffic instead of 25 feet in order to accommodate their loading berths.

The proposed commercial building at One Vanderbilt will conform to all other applicable regulations.

ANTICIPATED IMPACTS

A single Environmental Assessment Statement (EAS) for the all the related actions described above was completed in June 2014. The EAS found that the proposed development at One Vanderbilt and the sites in the Vanderbilt Corridor had the potential for impacts in a number of potential impact areas that would require further analysis in an Environmental Impact Statement (EIS). These categories included:

- land use, zoning and public policy
- socioeconomic conditions,
- open space,
- shadows,
- historic and cultural resources,
- urban design and visual resources,
- hazardous materials,
- water and sewer infrastructure, specifically wastewater and stormwater treatment and conveyance,
- transportation,
- air quality,
- greenhouse gas emissions,
- noise,
- neighborhood character, and
- construction impacts.

In addition, while the proposed project itself did not warrant analysis in the solid waste and sanitation and energy categories, they were analyzed as part of the potential impact from development of the aggregate sites along the Vanderbilt Corridor.

The Draft EIS (DEIS), issued on October 17, 2014, found that no significant adverse impacts were identified for all but two of the aforementioned categories, hazardous materials and transportation. For these two categories, any adverse impacts can be mitigated or were found to be unavoidable adverse impacts. Therefore, the DEIS stated that a public health assessment was not warranted as there was not any unmitigated significant adverse impact identified in the other CEQR analysis areas related to air quality, hazardous materials, or noise.

The assessment for hazardous materials found a potential for subsurface contamination related to on-site petroleum storage, historical railroad usage, and nearby off-site uses. These subsurface contaminants include asbestos, lead-based paint, and PCBs. An (E) Designation will be placed on the site, and a remedial action plan and associated construction health and safety plan will be prepared for implementation during construction.

An anticipated impact was found in the transportation category. Regarding traffic, it is anticipated that there would be the potential for significant adverse impacts at 14 intersections during the weekday AM peak hour, 6 intersections during the weekday midday peak hour, 15 intersections during the PM peak hour, and 2 intersections during the Saturday peak hour. All of the significant adverse traffic impacts, except those identified for the 42nd Street intersections with Third, Madison, Fifth, and Sixth Avenues during various peak periods, could be fully mitigated with standard mitigation measures, including signal timing changes and increasing visibility at intersections through design interventions.

Regarding the impact to transit, operations at two station elements would be expected to deteriorate to levels in excess of the CEQR impact threshold. However, these impacts, when viewed in the context of the transit station improvements as a whole that are part of the proposed One Vanderbilt development, were not considered significant. Otherwise, the proposed improvements would mitigate impacts that would be present even with the no-action scenario.

The last transportation sub-category of note for this proposal were the impacts to pedestrians. Significant adverse impacts were found within the pedestrian network at various times of day, with a peak of nine pedestrian elements (sidewalk, crosswalk, and corners) impacted during the weekday evening rush hour. Potential measures, including relocating sidewalk/corner obstructions, reconstructing an existing newsstand kiosk, extending existing curb lines to provide for additional corner reservoir space, and widening existing crosswalks, were identified to mitigate the projected pedestrian impacts.

However, the proposed mitigation measures for the traffic and pedestrian impacts will be subject to review and approval by DOT. In the event any measures are deemed infeasible by DOT and no other alternative mitigation measures can be identified by the time the FEIS is issued, those impacts would be unmitigated. These impacts would then be referred to as unavoidable adverse impacts outside the parameters of the environmental review.

It is also of note that there were found to be significant adverse impacts to the western windows of Grand Central Terminal, permanently affecting the original design intent to maintain an unobstructed source of sunlight into the Great Hall. However, since the five, clerestory lunette windows on the south side would continue to be unobstructed and the remaining concourse windows would still provide direct and indirect lighting to the interior, the overall impact was considered not significant. Any shadow impacts to the proposed public place were found to be negligible in consideration of the existing conditions of Midtown, and the space's design is proposed to account for the shade by providing shade-tolerant plantings and attempting to site seating in areas expected to receive any direct sunlight that may be available.

Construction of the proposed One Vanderbilt development, in and of itself, was found not to result in significant adverse construction impacts. However, construction mitigation will also be provided to avoid any inadvertent damage during the construction timeframe to the adjacent Grand Central Terminal, a city Individual Landmark and a landmark on the State and National Registers of Historic Places. Measures will also be taken to avoid inadvertent damage to the Pershing Square Building and the Socony-Mobil Building, both of which are city, state, and national landmark eligible.

COMMUNITY BOARD RECOMMENDATIONS

On December 11, 2014, Manhattan Community Board 5 ("CB5") adopted two resolutions by votes of 33 in the affirmative, 0 in the negative, 0 abstaining recommending denial of the application for a text amendment for the proposed Vanderbilt Corridor with conditions and denial of the application for the Special Permits for One Vanderbilt with conditions. On December 10, 2014, Manhattan Community Board 6 ("CB6") adopted two resolutions, identical to those passed by CB5, by a vote of 39 in favor, 0 opposed, and 1 abstaining. The resolutions passed by both Community Boards were developed by the Multi-Board Task Force on East Midtown, which was formed by members of multiple Community Boards during public discussion of the 2013 East Midtown proposal.

The Community Boards noted that many of their earlier objections have been addressed by the text amendment and special permit that is thereby created, which would subject new development within the Vanderbilt Corridor to public review and require any public improvements used to obtain the special permit to be completed prior to the completion of any added density.

However, the Community Boards object to the Vanderbilt Corridor being considered separately from East Midtown as a whole. In addition, the Community Boards raised concerns about the need for the proposed transit improvement FAR bonus to work in tandem with the purchase of development rights from landmarks, the potential "canyon effect" on the area if all developments were to achieve the maximum allowable FAR bonus, and the effects on area landmarks from the proposed text amendment and development which could be permitted thereby.

Based upon these concerns, the Community Boards recommended denial of the Vanderbilt Corridor text unless the following conditions were met:

1. The text amendment only apply to sites for which the City and MTA have a plan for public realm improvements;
2. The text amendment give guidance as to what types of improvements may be used to achieve what amount of FAR bonus;
3. The text amendment require any development granted a Public Realm Improvement bonus be designed to perform 30 percent better than ASHRAE 90.1, 2010;
4. The East Midtown Steering Committee fully consider the five blocks between 42nd and 47th Streets and Vanderbilt and Madison Avenues;
5. The text amendment require a letter from LPC supporting the harmonious relationship between any proposed development and the Grand Central Terminal;
6. The text amendment specify that the only sites potentially qualifying for the full 15 FAR bonus be those that (i) front on more than one wide street; (ii) overlook the Grand Central “air park” (iii) are adjacent to a subway station; and (iv) have access to the pedestrian circulation system of Terminal City.

The second resolution addressed the special permits for the transfer of development rights from a landmark building, the Grand Central Public Realm Improvement Bonus of 12.3 FAR and for the modification of regulations on streetwall, curb cuts, height and setback requirements and mandatory district plan elements. The Community Boards raised concerns about whether the current proposal optimized connectivity and pedestrian flow, whether the Public Plaza would be sufficiently open and appropriately maintained, whether the development achieved a sufficient degree of sustainability and the sufficiency the public realm improvements and the quantifiable nature of the bonus. The Community Boards voted to recommend denial of the special permits unless the following conditions were met:

1. The development was LEED v4 Certified Platinum; and
2. A major public space at street and concourses level connects with the main lobby of One Vanderbilt and connects the corner of Madison Avenue and 42nd Street and Grand Central’s main concourse.

The Community Boards also issued several strong recommendations. These were:

1. That the subway entrance should not be on the sidewalk but rather within the building at the southeast corner of 42nd Street and Lexington Avenue;
2. That the Madison Avenue and East 42nd Street sidewalk be widened to at least 20 feet and that the East 43rd Street sidewalk be widened to at least 15 feet;
3. That the width of the office lobby on Vanderbilt Place be reduced and that pedestrian uses be considered in lieu of the Transit Hall;
4. That a Community Construction Task Force be created;
5. That DCP quantify the public realm improvement bonus;
6. That One Vanderbilt (i) provide the 4,200 square feet of mandatory, unbonded pedestrian circulation space required by the Special Midtown District; (ii) include significant improvement to the Terminal City pedestrian circulation system for the ability to transfer the landmark development rights remotely; (iii) not receive a bonus for those improvements to the subway station that constitute mitigation for East Side Access or the extension of the Number 7 line; and

7. That DCP explain why the regulation waivers would allow for a daylight score for One Vanderbilt of negative 62% rather than the Midtown standard score of 75%.

BOROUGH BOARD RECOMMENDATION

On January 15, 2015 the Manhattan Borough Board (“Borough Board”) held a public hearing and vote on a resolution relating to the proposed actions. By a vote of 8 in the affirmative, 3 in the negative and 1 abstention (with one member who was present for the meeting but not for the vote on the resolution), the Borough Board recommended conditional disapproval of the actions relating to the One Vanderbilt Development, the text amendment and the City Map amendment, “unless a responsible conclusion is reached on issues of public access and public space relating to the Grand Central Terminal circulation network, the environmental sustainability requirements of the proposed zoning text for the Vanderbilt Corridor, and the language of the zoning text relating to, and the method for, achieving significant FAR bonuses.”

BOROUGH PRESIDENT’S COMMENTS

The Department of City Planning is proposing a zoning text amendment that would allow limited development of new, high-density office space near Grand Central Terminal. The text amendment is based on a number of key premises. First, that the East Midtown neighborhood should be retained as a high-value office district because of its unparalleled transportation connections to the entire region. Second, that the aging building stock in the area is unsuitable to the types of firms that would be interested in locating in the neighborhood. And finally, that the existing zoning and the serious congestion of the above- and below-grade public realm are preventing the development of new office space. These principles are reasonable and uncontroversial. DCP has put forward a plan that would allow greater density in the immediate vicinity of mass transit access, but that would require significant improvements to the public realm, or the utilization of unused floor area from landmark buildings, in order to achieve this new density. Unlike the previous East Midtown plan, the proposed action is limited and narrowly targeted, and requires full public review. While at root this is a necessary and reasonable plan, for any action of this magnitude the exact language of the zoning text will determine its success. The proposed text amendment lays out the conditions and findings that must be met in order to achieve increased density, setting a precedent framework that will determine the future landscape of this neighborhood.

Purpose and Need

Grand Central Terminal is essentially the epicenter of the New York City metropolitan area, and it will become even more so when the Long Island Rail Road opens its East Side Access which will open the Terminal up to the almost three million residents of Suffolk and Nassau county, as well as parts of Queens that are poorly served by the subway. Class B and C office space is an important contributor to our region’s economy: it provides space for new, innovative, and quickly growing firms that would not be able to afford to rent in brand new, Class A buildings. The area around Grand Central, though, is potentially the most valuable land in the country, and its tenant mix should reflect that. The Vanderbilt Corridor today is home to aging office stock that simply cannot be converted to attract the top, mature firms that need tall ceilings (to

accommodate telecommunications infrastructure), flexible layouts, and built-in, high-capacity internet connectivity. The existing zoning does not allow for the construction of new buildings that meet these needs in the Vanderbilt Corridor, and for this reason the City has put forward this proposal.

Not only does the existing zoning not encourage new development, it does not properly allow for this development to contribute to necessary infrastructure improvements. The existing subway bonus, which allows a 20 percent increase in floor area in exchange for subway improvements is, as its name suggests, narrowly targeted to subway stations and does not allow improvements to Grand Central or the Long Island Railroad. The Grand Central Subdistrict Core allows transfers of landmark air rights allowing buildings up to 21.6 FAR, yet while 1.5 million square feet of landmark development rights remain unsold, only one building has utilized this special permit since 1992. Finally, the underlying regulations of the Special Midtown District do not require, or in some cases even allow for, the type of at-grade pedestrian flow improvements that are necessary in such a congested area. While Mandatory District Plan Elements require some amount of space in new developments be devoted to pedestrian flow, they do not require the level of quality, or coordination with the broader public realm, that is necessary here.

First and foremost, this proposal creates a new mechanism to ameliorate some of the key infrastructure challenges in the area. The most significant of these today is the severe overcrowding of the Grand Central subway station. Platform congestion on the 4, 5, and 6 lines increases train dwell times at the station, slowing the entire line. Connections between the various lines and networks at Grand Central are convoluted and confusing; from many parts of the system connections to the street are lacking. While the job of improving Grand Central Terminal should fall to the MTA, the budget outlook of that Authority is dire. The MTA has an unfunded capital plan for the next five years, and even that includes only modest improvements to pedestrian flows here. Above ground, Madison and Lexington Avenues have sidewalks as narrow as 12 feet, which is nowhere near wide enough for the number of pedestrians in the area. These public realm challenges are not only a drag on the real estate market; they are a daily drag on the hundreds of thousands of commuters who work in the neighborhood.

FAR Bonus and Density

The proposed text amendment would allow buildings up to 30 FAR in the Vanderbilt Corridor. For the SL Green site in particular, there is a very good case to be made for this amount of density. The site sits on two wide streets, is surrounded by street on all four sides, and sits across from the permanently low-scale Grand Central. A 30 FAR building also fits in with the context of the neighborhood. Because of the square blocks in the Corridor, no 30 FAR building could have more than about 1.3 million square feet of floor area. Compared to the three million square foot Met-Life tower across the street, this is relatively small. Additionally, even many of the landmark buildings in the area are of similar sizes – the Chrysler Building and the Chanin Building, both of which are also located on two wide streets, are built at 27.6 and 29.1 FAR, respectively.

The conditions on the One Vanderbilt site are not shared equally by all of the other parcels in the Vanderbilt Corridor. While all sites sit above the future LIRR concourse, and all sites are in

close proximity to Grand Central, the additional open space of East 42nd Street is only adjacent to the southernmost block of the corridor. While development on any site in the Corridor would be subject to public review, the case has not been made that the same level of density is appropriate on all sites in the corridor. While it is certainly possible that an owner of one of the other sites in the corridor could put together a proposal for less density, it is the experience of the Borough President's office that in the vast majority of projects ULURP applicants seek the maximum density. Because of the high land value in the neighborhood it is hard to believe that anyone would seek anything but the maximum. The CPC should thus consider what the aggregate effect on the character of the Corridor would be with at least three 30 FAR buildings, and should carefully consider whether this density is appropriate on all sites.

Furthermore, the proposed project, including its density and its bulk and setback waivers, is appropriate because of its unique site conditions. In considering future applications in the Vanderbilt Corridor, the CPC should look at One Vanderbilt as unique. While these waivers and bonus may be appropriate on East 42nd Street, the same amount of improvements should not translate to an equal amount of bonus on a site that does not share the same innate public benefits.

Determining Bonus Size

While allowing bonuses of up to 15 FAR through the provision of public improvements, the proposed text does not provide a framework for how the public should equate the quality and quantity of the improvements with a specific FAR bonus. The proposed zoning text lays out high standards that any proposed improvement must meet. Above-grade improvements must provide generous space at a prominent location, and off-site improvements must provide for smooth circulation and comfortable places for resting. Below-grade, the improvements must create new connections, improve circulation, and significantly enhance the environment of transit facilities. The proposed text also lays out requirements for the ground floor of any new building. When it comes to determining the appropriate amount of FAR bonus, however, the text simply requires that the Commission find that "the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted." This does not give the CPC any parameters or factors to consider.

In public discussions about this proposal, Department of City Planning staff and the Chair of the CPC have reiterated the importance of maintaining real *discretion* when creating new discretionary actions. Because any number of things could change in the future, it would be foolish to create a special permit where a simple formula determined whether a set of improvements warrant additional floor area. This would unnecessarily hem the public in when reviewing the actions, and could serve to prevent improvements that are needed in the future because they are not currently known. While additional floor area can be said to have a quantifiable value, in dollars, public improvements can be much more abstract. Improved passenger flows and quality of public spaces cannot be put into dollars.

In SL Green's Statement of Findings, they seem to have similar trouble equating the benefit of the proposed improvements to any particular amount of floor area. When addressing this

particular finding, the applicant lists all of the proposed public realm improvements and how each one will benefit the public. In pulling it all together, however, there is no tie to the amount of floor area being granted. They conclude:

“The proposed improvements to the above and below-grade circulation networks in and around Grand Central Terminal, in conjunction with the improved throughput on the 4/5/6 subway line that will result, will provide substantial public benefits and will enhance the user experience of the nearly half a million daily transit riders who use Grand Central Terminal.

Accordingly, the public benefits derived from the proposed above and below-grade improvements merit the amount of additional floor area being granted to the Proposed Development.”

As justification for a particular amount of floor area, the closest that the applicant can come is a list of improvements, and an unsubstantiated assertion that they merit the amount being granted. Perhaps the focus should be on qualitative measures and improvements, over hard quantities – x stairwells widened, x feet of hallways lengthened.

Despite the difficulty of quantifying improvements and equating them with floor area, that is what the commission must do. In evaluating the current proposal, the Borough President’s office is judging the proposed improvements against the wider set of needed improvements, is looking at the number of people that will be affected by the improvements, and is judging the particular improvements against better versions of themselves. There are many ways that one could interpret this finding, however. Though the current administration is expecting a wide array of improvements in exchange for this density, there is nothing in the text to keep future administrations to the same high standard. For this reason, the text should be edited to include a set of factors that should be considered when making the decision about the grant of floor area. This would preserve the discretion of the CPC to evaluate the benefits of the proposed project, but would help to narrow the focus of their analysis to the quality and breadth of the improvements. The edited zoning text could be modeled on the existing subway bonus, which has the commission make the decision based on the extent to which the station is improved in terms of pedestrian flow and connectivity, as well as the quality of the improvements to the station’s environment. In the case of this permit, the findings could also include the extent to which neighborhood-wide above-grade pedestrian congestion is reduced.

Ongoing Maintenance of Proposed Improvements

The proposed zoning text amendment is not structured to allow the public to consider ongoing maintenance when evaluating the benefit of the proposed public realm improvements. While most zoning bonuses involve public benefits on land controlled by the applicant, the proposed text amendment will allow off-site improvements to count toward a permanent floor area bonus. When evaluating the benefit to the public of the proposed project, the ongoing cost to the public of improvements to publicly controlled areas must be taken into account. The benefit to the public of a new subway escalator, for example, will be much greater for an escalator that is being maintained in perpetuity by the private sector. In some cases it is quite clear who will maintain

what: the mezzanine improvements on the 4/5/6, for example, will be maintained by the MTA after construction. Others, however, will depend on negotiations between the applicant and the MTA; the East 42nd Street subway entrance proposed by SL Green is within the base of the building, but then leads down a stairwell to what will become essentially an extension of Grand Central. Because the scope of the proposed improvement can and should change as a project progresses through public review, to negotiate all of these agreements prior to certification would be impossible. The zoning text as proposed would require agreements prior to the grant of a special permit. This should be amended, however, to require that at least the intentions of the applicant regarding maintenance be included as part of an application at the time of certification.

Sustainability

In addition to requiring significant public realm improvements in order to achieve higher density, the proposed ZR § 81-64 would require that the overall building design, including sustainable design features, is appropriate to the surrounding neighborhood. This proposal attempts to do that by including conditions and findings which intend for buildings to meet higher standards for efficiency and sustainable design than are required by the Building Code. As written however, the text really only requires buildings to be average. First, in order to be certified an application must include materials showing the degree to which the building's energy performance exceeds the 2011 New York City Energy Conservation Code ("ECC"). Since there is no minimum degree to which buildings must exceed the code included in the application, there is no reason to peg all future applications to the 2011 code. This should be amended to require applications to show the degree to which the proposed building exceeds the minimum requirements at the time of application, rather than the requirements of an out-of-date and less stringent code.

In addition to this requirement the proposal, as written, requires the commission to find that the building includes sustainable design measures that "(i) are in keeping with best practices in sustainable design; and (ii) will substantially reduce energy usage for the building, as compared to comparable buildings." Regarding the first of these findings, it is the understanding of the Borough President's office that the phrase "best practices" usually refers to a benchmark for an acceptable level of quality. In order for this finding to have real effect, the language should reflect its intent – higher quality, more innovative buildings than what would be built as-of-right. The second finding, as written, could be interpreted to require buildings to be the same as comparable buildings. If this finding is intended to require buildings to meet a higher level of sustainability than other Class-A office buildings, this should be amended to require buildings to reduce energy *to a greater degree* than comparable buildings.

Balancing Public Improvements and Landmark Transfers

The proposed text amendment represents an attempt to reconcile competing priorities. On the one hand, there are significant infrastructure needs in the area and the City can leverage new development to meet these needs. On the other hand, there is a large amount of unused floor area from landmark buildings available, and the Grand Central Subdistrict was created explicitly to sell this floor area to enable the preservation of Grand Central Terminal. While currently, landmarks in the Grand Central Subdistrict Core can sell air rights to receiving sites to achieve up to 21.6 FAR through special permit, this proposal would enable landmarks to sell

significantly more, allowing a receiving site to achieve up to 30 FAR. The proposal does, however, introduce competition between the City and landmark air rights holders that did not previously exist. Under existing zoning, development sites could achieve 18 FAR through the subway bonus but could not get to 21.6 without buying from a landmark. In the case of the current special permit application, SL Green is using a combination of a transfer of landmark development rights and the transit improvement bonus to reach the maximum FAR. In addition to the proposed ZR § 81-64 improvements, SL Green has entered in to a restrictive declaration for the perpetual maintenance of the landmark Bowery Savings Bank. The proposal is thus achieving both of the potentially competing goals of the Grand Central Subdistrict. It is conceivable that a future project could propose to increase floor area solely through the new ZR § 81-64 special permit. A way to ensure that all projects in the future balance the preservation needs of the area and the need for transit improvement would be to mandate that the ZR § 81-64 special permit could only be used in conjunction with the ZR § 81-635 special permit.

The current proposal, however, would use up all remaining floor area at the Bowery Savings Bank, leaving the fee owners of Grand Central Terminal as the only holders of landmark air rights in the Grand Central Subdistrict. If the City were to mandate that the two permits be used in conjunction at this point, therefore, it would create the unintended consequence of creating an air rights monopoly that could serve to deter development. As part of the East Midtown Steering Committee there are discussions on air rights transfer mechanisms for the wider East Midtown neighborhood. As part of this discussion the Steering Committee will consider whether these mechanisms should apply in the Vanderbilt Corridor and whether, at that time, the ZR § 81-64 special permit should be modified to mandate some portion of landmark air rights be used.

Future Projects in the Vanderbilt Corridor

The proposed project sits on two wide streets, is directly adjacent to a subway station and sits directly across from Grand Central. The appropriateness of higher density at this site is not at issue, other than the questions regarding the bonus structure itself. What is of potential concern is whether, if a similar level of improvements are proposed and development rights from a landmark are purchased, and the combination thereof is for an equivalent bonus, a 30 FAR building is appropriate density at sites that do not front on two wide streets and are not adjacent to a lower-scale landmark building. A broader catchment area is under consideration for the transfer of landmark development rights, potentially removing a balance in light and air that is achieved when a higher building goes up next to one that is inherently and permanently lower in scale.

In addition, there is some level of concern when evaluating the potential impact of this corridor as to whether the floor area bonus mechanisms would set an unintended precedent for development in the broader East Midtown neighborhood currently under study by the East Midtown Steering Committee. In addition, this new maximum of 30 FAR may work for the particular development proposal at One Vanderbilt, but questions have been raised concerning its appropriateness at the other eligible sites in the Vanderbilt Corridor. The DEIS states that the mechanism, new and expanded, are comparable to existing bonus mechanisms in the Zoning Resolution. The DEIS also states that the other sites that may take advantage of the additional bonus, in order to reach a maximum FAR of 30, would have to be analyzed on a site by site basis

through the special permit and associated environmental review. In the section on neighborhood character, the analysis states that there will be no significant adverse impact since the resulting conditions would be similar “to those seen in high activity urban neighborhoods that define the study area.”

One Vanderbilt Proposal

SL Green is proposing a new office tower next to Grand Central Terminal that, while modern, is a fitting complement to Grand Central Terminal. The tower will be constructed with high quality materials, including glazed terra-cotta details that will evoke the Gustavino tile ceilings of the Terminal. At the base of the building the tower will peel away to showcase the cornice of the Terminal, which is currently blocked by the existing buildings on the One Vanderbilt site. Furthermore, the proposal will create a new public space from which residents, visitors, and passers-by can enjoy views of the Terminal and can experience the bustle of life in New York City. The improvements proposed by SL Green will dramatically improve conditions at the Grand Central subway station and will enable new connections between the LIRR and other modes of transit. It is not up to the CPC to decide whether the improvements are good, however, but whether the improvements are good enough to merit the additional floor area. While all of the improvements taken together are quite impressive, when examined individually there is real room for improvement.

Transit Hall

SL Green is proposing a new, 4,000 square foot space along East 43rd Street that will connect directly, via a single staircase, to the heart of Grand Central. The Transit Hall will have easy access to the platforms of both Metro North and the LIRR, making it an ideal location for a waiting area. As a waiting area, it needs to have enough amenities to keep a commuter comfortably there for up to an hour. This means it should have a concession, should have ample seating, and must have bathrooms. In addition, SL Green should ensure that the space is open and accessible to all New Yorkers by including Americans with Disabilities Act-friendly, easy to open doors and other features to make it truly accessible. In a letter to the Borough President, SL Green commits to at least seven benches to seat between 14 and 21 people and to provide a unisex restroom immediately under the Transit Hall.

The plans for this space as of now are undeveloped. The applicant has distributed renderings of the space, which show no seating or a concession. Although illustrative plans attached to the ULURP application do show these things, they stipulate that the plans are for approval of concept only, not design. In order to grant this special permit, this space must, at minimum, have a set concept and design principles. There must be sufficient protections in place to ensure that it remains a comfortable waiting area in perpetuity. The Department of Buildings (“DOB”) typically polices privately owned public spaces, but in order to do this DOB needs approved plans showing the location of all the various elements. In discussions with SL Green the Borough President’s office was reassured of their intentions for this space as a real amenity. Moving forward, the City Planning Commission must ensure that these intentions are honored with an approved design that reflects the discussions to date. This could be done by updating the approved plans, which will be subject to DOB oversight, to reflect a final design or by creating a

process by which the Chair of the CPC can certify that the final design reflects the intentions of the space as described in the ULURP application.

The proposed building will add new connections between many different below-grade spaces. What it does not do, however, is provide a connection from the mass transit network to the building for use by the future tenants of the building. Because of the wide network of underground spaces, this type of connection is common in the Grand Central Subdistrict. Direct connections to the building would serve to take pedestrians off of the crowded sidewalks of the area, aiding in reducing congestion in the neighborhood. An ideal location for this connection would be off of the Transit Hall, which is directly adjacent to the One Vanderbilt lobby. In discussions with the Borough President's office, SL Green has agreed to include this connection. The CPC should ensure that approved plans for the building include this connection, and prevent it from being removed in the future.

Finally, the proposed Transit Hall will be accessed from East 43rd Street. Coming from the west, pedestrians will pass the building's messenger center, dock master offices, and two loading docks before getting to the new public space. If the Transit Hall is to be a real amenity, the approach to it should not feel like walking down an alley. These back of the house spaces on East 43rd Street should be beautified to match the overall aesthetic of the building so that East 43rd Street feels like an active and attractive place. In discussions with the Borough President the applicant has agreed to use the highest quality materials on the loading docks and building maintenance spaces such that their design will match the overall building.

Vanderbilt Public Place

The proposed public space on Vanderbilt Avenue will add a new publicly controlled open space to a neighborhood that is starved for open space. It will help relieve congestion at the corner of East 42nd Street and Vanderbilt Avenue, a key access point to the terminal and one with significant pedestrian-vehicular conflict. It is not enough that the space is provided; the design must serve the employees of the new building, the commuters who stream into Grand Central, and neighborhood residents and employees. When open space is at a premium, and it is finally provided, we must ensure the highest value and utility of that space. However, we do not have a design to evaluate. A conceptual design was provided, but there is no guarantee that the final design will resemble this design in any way. Nor, at the time of certification, is a clear mechanism in place for the continued maintenance of this critical space. The challenges to presenting a final design at this time are real, so it is reasonable to wait for a future public process to decide this. At this time, however, we should ensure that the appropriate maintenance of this space is accounted for and that the design of the One Vanderbilt building will serve to activate this space to ensure its role as a real public amenity.

As proposed, the SL Green building will have only one door that exits to the public plaza: that of their office lobby. If this remains the only door, this space may function more as an entryway for SL Green's tenants than a space for the public. The Transit Hall, which is a space for the public, should interact better with the public plaza and should have a door directly onto it, in addition to one off of East 43rd Street. Not only would this help activate the public plaza, the proposed zoning text could be read to require it. In the proposed text, the findings for on-site

improvements to the pedestrian circulation network, which includes the Transit Hall, say that the spaces must “provide connections to pedestrian circulation spaces in the immediate vicinity.” There is retail proposed at the southeast corner of the building that also will not open on to the plaza. The proposed zoning text requires that the ground floor of the building “facilitate fluid movements between the building and adjoining public spaces.” This is an important finding, and one that will not be achieved unless the building connects to the plaza via exits other than the office lobby.

East 42nd Street Subway Entrance

In the center of the East 42nd Street ground floor will be a subway entrance that will connect via escalator to the Shuttle platform two levels down and via a stairway to the Intermodal Connector and Grand Central. There is an existing subway entrance at this location, so when evaluating the benefits of this improvement it is important that the CPC consider this as a *widening* of an existing entrance, rather than the provision of a new entrance. This expanded entrance will provide the most direct connection to the LIRR concourse from East 42nd Street and will be the south-westernmost entrance to Grand Central terminal. As such, it should be as prominent and spacious as possible.

Immediately to the east of this entrance the applicant proposes two retail spaces: one with a stairwell down to the B1 level, and one with a staircase up to the second floor. Both of these spaces are small, and will serve mostly as a vestibule to the retail above and below. The proposed zoning text requires retail uses adjacent to above-grade, on-site improvements. The goal of this requirement is to ensure active uses around the new on-site improvements. The retail spaces as proposed, however, do not accomplish this goal. First, the CPC should amend this finding to require active uses. Second, SL Green should adjust these spaces to better interact with the subway entrance and to better contribute to a lively streetscape. An ideal solution would be to combine all of these spaces to create a generous, publicly accessible space. Visitors could enter the southeast corner of the building and from there could access the Shuttle platform, the B1 Intermodal Connector, the B1 retail space, or the second floor retail.

As a result of discussions with the Borough President, the applicant has submitted an alternate application that will enable them to adjust the mix of uses on this corner of the building. City Planning has also committed to recommending that the requirement for retail be modified to active uses within the text to provide flexibility and ensure a lively and vibrant streetscape along East 42nd Street and Vanderbilt Place. The applicant has agreed to combine the two retail spaces into one, which will have an entrance onto the Vanderbilt Public Place and a staircase to a larger retail space on the second floor. Further, the applicant has agreed to reduce the linear frontage of the retail space, where it meets the subway entrance, by 24 feet. The Borough President believes that this agreement by the applicant and the opportunity it presents should be used to accommodate a wider, more prominent subway entrance. The CPC and the City Council should further consider whether this reduction will allow adjustments to the design for a more open layout of this entrance, and whether the staircase in the subway entrance can be widened.

Waiver of District Plan Elements

The Special Midtown District requires that all new buildings of a certain size contain public amenities. Of note, these District Plan Elements would require 3,000 square feet of pedestrian circulation space on this site, and would require off-street access to a mass transit facility. The SL Green application and the associated text amendment would allow these elements, which would normally be required, to count towards a floor area bonus. As proposed, however, these elements will be included in a form that is of a much higher quality than would be achieved with the requirement. The zoning text enables these requirements to be waived so that all of the public circulation space can be viewed as a whole. In consideration of whether the proposed improvements merit the additional floor area, the CPC should keep in mind that some amount of transit connection and ground-level public space would have been a part of an as-of-right building. The proposed building includes sidewalk widenings on Madison Avenue and East 42nd Street. On Madison Avenue, the area of widened sidewalk will not be open to the sky, as required by the Mandatory District Plan Elements. The overhang over this portion of sidewalk, however, will not occur until a height of 60 feet and will likely not be noticeable to pedestrians or negatively impact the pedestrian realm. Furthermore, the Special Midtown District requires a through-block connection for buildings with lobby entrances on opposite frontages. As proposed, a connection would not be available through the SL Green lobby and building core. It is not clear in this case that this connection would be beneficial to the public. It is difficult to imagine the need to pass from the midblock on Madison Avenue to the midblock on Vanderbilt Avenue when 42nd and 43rd streets are less than 100 feet away. Given the number of connections that are being provided though this building on the lower levels, the Borough President feels that this waiver is appropriate.

Sustainable Design Elements

The applicant proposes to increase the energy efficiency of this building by 14 percent over a baseline building, based on the 2010 standard of measurement. While this is an improvement, it is unclear that this is an improvement worthy of a building of this caliber, or whether this meets the finding that buildings must substantially reduce energy use over comparable buildings. The standards for energy efficiency get more stringent every few years as technology improves and the cost of these new technologies fall. The New York City Energy Conservation Code mandates the use of the ASHRAE 90.1-2007 standard to develop a baseline building for energy use comparison. By the time construction of the building is expected to begin, the ECC will have been updated to mandate the ASHRAE 90.1-2010 standard, which is 18.9 percent more efficient than a building based on the 2007 standard. By the time construction on this building is completed in 2020, therefore, there is a significant chance that the building's 14 percent improvement over the 2010 standard will be closer to a baseline building than to an efficient one.

Though the findings for the proposed special permit require the applicant to show reduced energy use over comparable buildings, the applicant's Statement of Findings compares energy use to a baseline building. In order to effectively evaluate the efficiency of this building, the applicant should provide comparisons to other Class A office buildings that are currently under construction. The CPC should evaluate whether this finding has been met based on improvement over those other buildings. In a letter to the Borough President, the applicant commits to

continue to explore new and additional methods of achieving increased efficiency and to use commercially reasonable efforts to incorporate new technologies to continue to maximize One Vanderbilt's energy efficiency and sustainability. Based on the sustainable measures incorporated in other SL Green buildings, the Borough President feels that this commitment is real, and looks forward to continuing to work with the applicant to achieve this goal.

Access to Light and Air

In order to accommodate all of the bonus floor area into this small lot, the applicant is seeking significant waivers to the height and setback requirements of the Special Midtown District. These waivers occur on almost every floor and on all four sides of the building. Daylight scoring for One Vanderbilt has an average score of -62.10, with scores ranging from -32.98 along the 42nd Street frontage and a score of -94.37 along the Vanderbilt frontage. While these numbers seem abstract, when the building is constructed they will be readily apparent: for someone standing on the Vanderbilt Public Place, the building will almost entirely fill the sky. In some circles this would be considered abysmal and unreasonable on its face. However, in consideration of the daylight scores, the CPC has always had the discretion to determine if the encroachment or degradation of daylight would be acceptable in the evaluation of a benefit to the general public. While that public benefit was traditionally landmark preservation, there is nothing in the zoning text to prevent the CPC from weighing the value of transit improvements over landmark preservation, nor to prevent the CPC from determining that any loss in one benefit trumps the gains in another.

Special Permit for Transfer of Development Rights

The proposed transfer of unused floor area from the Bowery Savings Bank will enable the perpetual preservation of that landmark and is in keeping with both the goals of the Grand Central Subdistrict and the new Vanderbilt Corridor proposal. A restoration plan for that building has been approved by the LPC, as has a plan for continued maintenance. While there has been some criticism of the proposed text amendment for failing to balance the goals of preservation and improvement of the public realm, the 115,000 square feet of landmark floor area being transferred to One Vanderbilt shows that such balance is possible within the framework of this proposal.

City Map Amendment

The proposed city map amendment to close a portion of Vanderbilt Avenue between East 42nd Street and East 43rd Street, changing its designation from street to "public place" is appropriate. This change will close this portion to vehicular traffic and allow for its permanent improvement as a pedestrian plaza. Given Vanderbilt Place's prominent location adjacent to Grand Central Terminal and its proximity to multiple existing and proposed transit entrances, the addition of approximately 12,000 square feet into the public pedestrian realm is a real and tangible benefit as long as it is well designed and maintained. The application for this action promises a public space that would provide significant benefits to workers and visitors of the surrounding area.

Conclusion

Much time has been spent describing the outdated and crumbling nature of both the existing office buildings in this district and the infrastructure that serves them. I do not disagree with this premise. There is need for new, state-of-the-art buildings if this district is to maintain its vitality and significance. However, I strongly believe that a number of buildings in the broader area are eligible for and deserving of landmark designation. Within the Vanderbilt Corridor, I believe that the Roosevelt Hotel and the Yale Club are worthy of such consideration. This proposal creates new opportunities for the redevelopment of those sites, and the CPC should seriously consider the real possibility of the destruction of these landmarks as a consequence of this proposal. I do have confidence, however, that any proposal that would harm these two landmarks would have the full review of the public, and I will use my role in the ULURP process to fight for their preservation. Additionally, the built context of Vanderbilt Avenue is important. The buildings standing there today were the result of a form of comprehensive planning that is rare in the history of New York. These buildings speak to each other and to the development history of this neighborhood as one of the first examples of development based around, and supportive of, mass transit. Any new building in this corridor should fit within the built context of these blocks and should relate harmoniously to the Terminal.

With the incorporation of the changes discussed above, the Vanderbilt Corridor text amendment and related map amendment will produce real benefits to the citizens of New York and will be in keeping with the longstanding goals of the Grand Central Subdistrict. The proposal from SL Green will dramatically improve platform and mezzanine conditions on the 4/5/6 subway line. In fact, the adjustments to the mezzanine will increase the size of Grand Central's subway mezzanine by 38 percent. One Vanderbilt's unique location will allow for new underground corridors that will be fully integrated into Grand Central Terminal. Finally, the proposal will open up new pedestrian-accessible space that will relieve congestion in this busy neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

As a result of ongoing discussions, which began following the two Community Board recommendations in December, the Department of City Planning and SL Green sent the Borough President letters committing to adjustments of the proposal.

In a letter from Edith Hsu-Chen, Director of the Manhattan Office, dated January 28, 2015, the Department of City Planning committed to advising the City Planning Commission to make adjustments to the method for determining the Grand Central Public Realm Improvement bonus size, language clarifying the standards for evaluating sustainability, and application requirements relating to ongoing maintenance of proposed improvements.

In a letter from Marc Holliday, Chief Executive Officer of SL Green, dated January 28, 2015, SL Green committed to adjustments to their proposal to ensure maximum public benefit. The applicant committed to working out a final agreement for the maintenance of Vanderbilt Place, and agreed to seed a fund for ongoing capital improvement. They agreed to provide a bathroom at the Transit Hall, to provide at least seven benches within that space, and to continue to refine their design of the space and to work with the Community Boards and Borough President's Office to do so. They have agreed to adjust the retail spaces on East 42nd Street to be combined into a single space that would be reduced in size by 24 linear feet, adjacent to the subway entrance. The retail space would further have an entrance onto the Vanderbilt plaza. Finally, the applicant agreed to beautify the East 43rd Street frontage to minimize the impact of the loading docks on the character of the neighborhood.

Based on these commitments from the applicant the Borough President believes that the proposal will be beneficial to the citizens of Manhattan and entire New York region.

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 140440 MMM, N 150127 ZRM, C 150128 ZSM, C 150129 ZSM, and C 150130 (A) ZSM provided that:

1. **SL Green** honor its stated commitment to:
 - a. Consolidation and reduction of retail frontage at Vanderbilt Avenue and East 42nd Street;
 - b. Providing for ongoing maintenance of the Vanderbilt Public Place;
 - c. Construct and ADA-compliant unisex restroom beneath the Transit Hall
 - d. Work with the Department of City Planning, Community Boards 5 and 6, and the Borough President to finalize interior design of the Transit Hall and to enshrine a completed design in the special permit drawings or a future public process;
 - e. Install an entrance from the retail space at East 42nd Street and Vanderbilt Avenue onto the Vanderbilt plaza and an entrance from the Transit Hall to the One Vanderbilt lobby;
 - f. Continue to improve the energy efficiency of the proposed building as technology improves;
 - g. Use every effort to preserve the decorative façade elements of 51 East 42nd Street and to provide for their future display; and

- h. Use materials and details on the East 43rd Street façade of the building at grade that are consistent with the overall aesthetic of One Vanderbilt;
2. **The City Planning Commission**, on the recommendation of staff, modify the proposed text amendment to reflect more consistently and clearly the goals of the proposed action, as outlined in the January 28 letter; and
3. **The City Planning Commission** also, in exercising its discretionary approval, approve plans memorializing all key entrances connecting the plaza, transit hall, lobby, and retail use so that building connects to the plaza via exits other than the office lobby and so that the locations of such are not subject to change.

In addition to the above, there are a number of aspects of the proposed actions that the Borough President feels warrant further attention:

1. **The City Planning Commission** should consider whether the findings of the Grand Central Public Realm Improvement Bonus relating to sustainability have been met by the SL Green proposal; and
2. **The City Planning Commission and the City Council** should use the reduction in retail frontage on East 42nd Street to provide for a wider and more open subway entrance at this location;
3. **The City Planning Commission** should consider any recommendations of the East Midtown Steering Committee concerning the use of a public realm improvement bonus in conjunction with the use of landmark development rights to balance the need for transit improvements and historic preservation.
4. **The City Planning Commission** should consider whether plans for the Transit Hall should be revised to include a door directly on to the Vanderbilt Public Place.



Gale A. Brewer
Borough President

Green 317 Madison LLC
c/o SL Green Realty Corp.
420 Lexington Avenue, 19th Floor
New York, NY 10170

January 28, 2015

Honorable Gale A. Brewer
Manhattan Borough President
One Centre Street, 19th Floor
New York, NY 10007

Re: One Vanderbilt
ULURP Nos. 150128 ZSM, 150129 ZSM, 150130 ZSM, 150130(A) ZSM

Dear Madame Borough President:

Thank you for your thoughtful consideration of our special permit applications for the One Vanderbilt project. From our numerous meetings with you and your staff we have received a number of suggestions to improve the proposed development. We have carefully considered these suggestions, and, in response, we are prepared to make the following commitments and modifications:

1. We commit to reach an agreement with the Grand Central Partnership to undertake the long-term maintenance of Vanderbilt Plaza, including provision for capital repairs and replacements. SL Green will also commit to provide \$500,000 to a fund which will be established to assure the long-term capital needs of Vanderbilt Plaza.
2. We will construct and maintain an ADA-compliant unisex restroom for use by the public on the B1 level, below the Transit Hall, within the footprint of One Vanderbilt. Together with the additional new restrooms being constructed by the MTA within Grand Central Terminal underneath 335 Madison, these improvements will provide convenient facilities for commuters and other users of the Terminal and the Transit Hall. Further, we will ensure that all public spaces are accessible for people with disabilities.
3. As we progress the interior design of the Transit Hall, we will share our plans with Community Board 5 and the Borough President for review and feedback. We will also work with the Department of City Planning to either update or finalize the special permit drawings to reflect the completed design or include in the project approvals a requirement for a CPC Chairperson certification process with respect to the design of the Transit Hall. Additionally, we commit that the Transit Hall will contain at least seven benches seating 14 to 21 people, which we believe will make the transit Hall more useful and convenient for the public. We will maintain the Transit Hall for the life of the project.

4. We will install an entrance from the retail space at the corner of East 42nd Street and Vanderbilt Avenue directly onto the new Vanderbilt Plaza, which will further activate the plaza. We will also install a direct connection from the Transit Hall into the lobby of One Vanderbilt. These additional connections will help to activate the ground floor of the building and Vanderbilt Plaza. These connections will be open to the public, but we will reserve the right to close them if security matters make that necessary.
5. We will modify the design of the ground floor of One Vanderbilt in order to reduce the retail/amenity space linear frontage east of the MTA Access space on East 42nd Street by 24 feet.
6. As described in detail to your staff, we have made every effort to achieve the maximum energy efficiency and sustainability reasonably permitted by current technology. However, technology changes quickly and we commit to continue to explore new and additional methods of achieving increased efficiency and we will use commercially reasonable efforts to incorporate new technologies to continue to maximize One Vanderbilt's energy efficiency and sustainability.
7. Although the original decorative façade features of 51 East 42nd Street have had extensive exposure to the elements, and, we have been advised by our construction team that their condition may not permit their removal from the building intact and suitable for public display, we will use great care and effort to preserve these features when the building is demolished.
8. We commit to the use of materials and details on the 43rd Street façade of the building at grade that are consistent with the overall aesthetic and quality of One Vanderbilt, including but not limited to the loading dock doors.

These commitments will be included in a restrictive declaration which will be recorded against the development site and will bind successive owners and mortgagees of the property.

We believe these modifications to the design and operation of the project are responsive to the concerns that you and your staff have expressed to us and will improve the quality of the development and the public benefits. We thank you for the assistance you and your staff have provided as we move through the public review process.

Sincerely,



Marc Holliday



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
Manhattan Office

January 28, 2015

The Honorable Gale A. Brewer
Borough President, Borough of Manhattan
One Center Street, 19th Floor North
New York, NY 10007

RE: Vanderbilt Corridor

Dear Borough President Brewer,

Thank you for your ongoing discussion with our Chairman and for staff-to-staff dialogue on the Vanderbilt Corridor proposal. This zoning text amendment and map change will facilitate commercial development along Madison and Vanderbilt Avenues in Manhattan, improve pedestrian circulation within Grand Central Terminal and its vicinity, and allow greater opportunity for area landmarks to transfer their unused development rights. We appreciate your focus on this critically important proposal to ensure the long-term strength of the area around Grand Central as a world-class business district, dense job center, and transit center for the city of New York.

We understand that in your review of the application, you have made specific recommendations to clarify and improve the text as proposed. We have considered your comments. During the City Planning Commission's upcoming review of the text amendment, the Department staff will recommend to the Commission the following:

- The Grand Central Public Realm Improvement Bonus should be modified to better clarify how the determination of the bonus floor area permitted via the special permit mechanism should be made. We will recommend the text be modified to make clear that additional floor area be granted as a result of consideration of the at-grade and below-grade improvements only, and that additional floor area should not be granted through the findings relating to the building's design and sustainability features. In addition, per your suggestions, we will recommend modifications to the findings for above-grade improvements to include consideration of their improvement to pedestrian circulation in the area, and on-site spaces provide or be surrounded by active uses.
- Regarding sustainability, we will recommend that the findings be modified so that buildings would be required to meet or exceed the best practices in sustainable design and clarify how buildings demonstrate their reduced energy use compared to comparable buildings. We will further recommend that the text be modified to require application materials that demonstrate energy use compared with the then-current New York City Energy Conservation Code.
- On the issue of maintenance of the improvements, the Department agrees that it is in the public's interest for the applicant to identify the expected maintenance plan for

improvements associated with the special permit as part of the public review of future proposals. We will recommend that additional application materials be required to describe the expected maintenance plan for the improvements.

We believe these recommendations to the City Planning Commission, made in response to your input, will improve the Vanderbilt Corridor proposal. Thank you for the thoughtful input you have provided us and others as our proposal moves through the public review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edith Hsu-Chen', with a long horizontal line extending to the right.

Edith Hsu-Chen
Director, Manhattan
NYC Department of City Planning

MANHATTAN BOROUGH BOARD

RESOLUTION

RECOMMENDING CONDITIONAL DISAPPROVAL OF THE APPLICATION FOR ACTIONS RELATING TO THE ONE VANDERBILT DEVELOPMENT (C 150128 ZSM, C150129 ZSM and C 150130 ZSM), THE PROPOSED TEXT AMENDMENT CREATING A VANDERBILT CORRIDOR (N 150127 ZRM) AND A CITY MAP AMENDMENT (C 140440 MMM) TO DESIGNATE THE BLOCK OF VANDERBILT AVENUE BETWEEN EAST 42nd STREET AND EAST 43rd STREET A PUBLIC PLACE, UNLESS UNRESOLVED ISSUES ARE ADDRESSED

WHEREAS, The Department of City Planning (DCP) seeks a text amendment to the Zoning Resolution (N 150127 ZRM) to facilitate commercial development and pedestrian circulation and to allow greater opportunities for area landmarks to transfer unused development rights; and

WHEREAS, the proposed text amendment would create a five block Vanderbilt Corridor within the Grand Central Subdistrict of the Special Midtown District in which a new Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64) will be available that will allow buildings to achieve a floor area ratio (FAR) of 30.0 through the completion of significant improvements to the pedestrian or mass transit circulation network; and

WHEREAS, the proposed text amendment would also allow landmarks within the Grand Central Subdistrict to transfer unused development rights to receiving sites in the Vanderbilt Corridor to achieve an FAR on the receiving sites of up to 30.0; and

WHEREAS, the proposed text amendment would create a new special permit for transient hotels within the Vanderbilt Corridor to encourage the development of business oriented new hotels; and

WHEREAS, DCP seeks a City Map Amendment (C 140440 MMM) to designate the block of Vanderbilt Avenue between East 42nd and East 43rd Streets a Public Place; and

WHEREAS, Green 317 Madison, LLC seeks a special permit (C 150128 ZSM) to transfer development rights from a landmark building in order to facilitate construction of an approximately 1.3 million square foot mixed-use development called One Vanderbilt between East 42nd and East 43rd Streets, and Madison and Vanderbilt Avenues; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed Section 81-641 of the Zoning Resolution (C 150129 ZSM) for a Grand Central Public Realm Improvement Bonus of 12.3 FAR; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed Section 81-642 of the Zoning Resolution (C 150130 ZSM) for modification of street wall, curb cut, height and setback, and mandatory district plan element regulations; and

WHEREAS, the proposed off-site improvements include:

1. The creation of a Public Place on Vanderbilt Avenue to be used as a pedestrian plaza;
2. A new stair in the cellar of the Pershing Square Building that would connect the Grand Central subway station mezzanine with the Lexington Avenue line platform; and
3. A new subway entrance with two new street-level subway stairs on the sidewalk at the southeast corner of East 42nd Street and Lexington Avenue that would connect to and open an existing 4,100 square foot below-grade passageway; and
4. Modification of columns in the Grand Central subway mezzanine to provide more pedestrian circulation space and improve pedestrian flow; and
5. 8,475 square feet of expanded Grand Central subway mezzanine space in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from the new mezzanine area to the platform; and
6. Replacement and widening of an existing street-level subway entrance at the northwest corner of Lexington Avenue and East 42nd Street; and

WHEREAS, the proposed on-site improvements would include:

1. A new subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the shuttle subway station and providing below-grade connections through the Intermodal Connector to the 4, 5, 6, and 7 subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level; and
2. a new 4,000 square foot "Transit Hall," with entrances at East 43rd Street, providing stairway and elevator connections to the new Intermodal Connector, with connections to East Side Access, the shuttle, Grand Central Terminal, and the 4, 5, 6, and 7 subway lines; and
3. new elevator and escalator connections from East Side Access through the development site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines; and

WHEREAS, the proposed Vanderbilt Corridor is located above the future concourse of the Long Island Railroad's East Side Access, which will be 50 feet below the buildings on the west side of Vanderbilt Avenue; and

WHEREAS, the Yale Club, the Roosevelt Hotel, and 52 Vanderbilt are located in the Vanderbilt Corridor, are considered eligible landmarks by the Landmark Preservation Commission (LPC), and would be put at greater risk of redevelopment by the proposed actions; and

WHEREAS, the proposed Public Place on Vanderbilt Avenue will generate bonus floor area for the One Vanderbilt development, but the scope of improvements to the space will not be determined until after approval of this application, nor has the applicant provided for the ongoing maintenance of this space; and

WHEREAS, more than half of the proposed One Vanderbilt's frontage on the proposed Vanderbilt Avenue Public Place will be taken up by a private office lobby; and

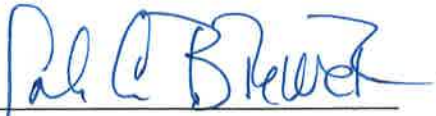
WHEREAS, concurrent with this application the East Midtown Steering Committee, co-chaired by Councilmember Dan Garodnick and Borough President Gale Brewer, is evaluating potential zoning changes and other planning issues in the wider East Midtown neighborhood; and

WHEREAS, Community Boards 5 and 6 approved resolutions recommending denial with conditions of all actions unless:

1. The text amendment is limited to sites for which the City and the MTA have a coordinated plan for improvements to the public realm; and
2. The text amendment provides guidelines for what type of improvements may merit a given FAR increase; and
3. The text amendment requires that any building granted a Grand Central Public Realm Improvement Bonus be designed to perform 30 percent better than ASHRAE 90.1, 2010; and
4. The East Midtown Steering Committee fully consider the five blocks between East 42nd and East 47th Street and Vanderbilt and Madison Avenues; and
5. The text amendment require the LPC to issue a letter in support of the harmonious relationship to the Grand Central Terminal for any proposed building; and
6. The text amendment be altered such that only sites fronting on two wide streets, overlooking Grand Central Terminal, adjacent to a subway station and with access to the Grand Central Terminal circulation system could merit the full 15 FAR bonus; and
7. The One Vanderbilt project achieve a LEED v4 Platinum certification; and
8. A major public space is created at street and concourse level, through or adjacent to and connecting with the main lobby of One Vanderbilt, and connecting the corner of Madison Avenue and East 42nd Street and the main concourse of Grand Central; and

WHEREAS, the two affected Community Boards additionally questioned many elements of the proposal including subway entrance placement, sidewalk widths, and the size of the proposed office lobbies;

THEREFORE, the Manhattan Borough Board recommends disapproval of ULURP numbers C 150128 ZSM, C150129 ZSM and C 150130 ZSM (One Vanderbilt Development), N 150127 ZRM (text amendment) and C 140440 MMM (City Map amendment) unless a responsible conclusion is reached on issues of public access and public space relating to the Grand Central Terminal circulation network, the environmental sustainability requirements of the proposed zoning text for the Vanderbilt Corridor, and the language of the zoning text relating to, and the method for, achieving significant FAR bonuses.



Gale A. Brewer

Manhattan Borough President
Chair of the Manhattan Borough Board

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

December 12, 2014

Hon. Carl Weisbrod
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Resolution on Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt

Dear Chair Weisbrod:

At the monthly meeting of Community Board Five on Thursday, December 11, 2014, the Board passed the following resolution with a vote of 33 in favor, 0 opposed, 1 abstaining:

WHEREAS, Green 317 Madison, LLC seeks a special permit (application C 150128 ZSM) to transfer development rights from a landmark building to facilitate construction of an approximately 1.3 million SF mixed-use development called One Vanderbilt between 42nd and 43rd Streets, and Madison and Vanderbilt Avenues; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-641 of the Zoning Resolution (application C 150129 ZSM) for a Grand Central Public Realm Improvement Bonus of 12.3 FAR to facilitate a 30 FAR development at One Vanderbilt; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-642 of the Zoning Resolution (application C 150130 ZSM) for modification of regulations with respect to street wall, curb cut, height and setback and mandatory district plan elements, and relief from daylighting; and

WHEREAS, Unlike on corridor parcels not fronting 42nd Street, we believe there may be circumstances under which a building on this site might reasonably justify an allowable 30 FAR; and

WHEREAS, **Regarding One Vanderbilt**, we continue to have areas of concern:

A. Infrastructure and Public Realm:

While the proposed off-site public realm improvements include:

- 1) the creation of a Public Place on Vanderbilt between 42nd and 43rd to be used as a pedestrian plaza;
- 2) a new stair in the cellar of the Pershing Square Building (southeast corner of 42nd and Park) that would connect the Grand Central-42nd Street subway station mezzanine to the 4, 5 and 6 subway platform;

- 3) a new subway entrance with two new street-level subway stairs on the sidewalk at the southeast corner of 42nd and Lexington that would connect to and open an existing 4,100 square foot below-grade passageway;
- 4) modification of columns on the Grand Central – 42nd Street mezzanine to provide more pedestrian circulation space and improve pedestrian flow;
- 5) 8,475 square feet of an expanded Grand Central – 42nd Street station mezzanine in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4, 5, and 6 subway platform;
- 6) replacement and widening of an existing street-level subway entrance at the northwest corner of 42nd and Lexington with wider stairs and an elevator;

we are concerned that two off-site improvements (the stair between the mezzanine and platform at the Pershing Square Building and the two stairs at the north end of the platform and the enlargement of the mezzanine there) were identified mitigations for the Flushing line extension and East Side Access and were to be paid for through the capital programs of the MTA and/or the City; and

there are no sidewalk subway entrances on 42nd street from Third Avenue to Madison Avenue, but under this application one is proposed on the southeast corner of 42nd Street and Lexington Avenue; and

we are concerned that nothing in this proposal would improve the connectivity between the 7 Line and the Lexington Lines; and

we continue to have questions and concerns about the nature and maintenance of the Public Place on Vanderbilt between 42nd and 43rd:

- this is a narrow block that will need to have passageway for emergency vehicles, which will severely limit the scope of public amenities (seating, plantings, etc.);
- currently essential emergency and police vehicles are parked in the proposed Public Place and we are concerned as to where new locations will be found;
- we would like to know who will be responsible for the maintenance of this Public Place, and what mechanism will be instituted to guarantee that it will be free of commercial events, concessions and sub-concessions, as well as intrusions from food carts, costume characters and other unintended consequences, that will hamper the flow of pedestrians and negate the intended passive recreational use of this Public Place; and

while the proposed on-site public realm improvements include:

- 1) a new ground-level subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the Shuttle subway station and providing below-grade connections through the Intermodal Connector to the Nos. 4, 5, 6, and 7 Subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level;
- 2) a new ground-level Transit Hall (approximately 4,000 square feet) with entrances at East 43rd Street, providing stairway and elevator connections to the new below-grade corridor, with connections to East Side Access, the Shuttle, Grand Central Terminal, and the 4, 5, 6, and 7 subway lines;
- 3) new elevator and escalator connections from East Side Access through the Development Site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines without the need to traverse the Main Concourse of Grand Central Terminal;
- 4) the new day-lit, below-grade Intermodal Connector (10,100 square feet) providing connections between Long Island Rail Road (East Side Access), Metro-North Rail Road (Grand Central Terminal), and the 4, 5, 6, 7 and Shuttle subway lines;

we are also concerned about the lack of sidewalk widening on a heavily trafficked East 43rd Street, which leads directly to GCT;

further, the proposed office building lobby dominates and privatizes, along the marginal Transit Hall, almost the entire Vanderbilt Avenue frontage;

we are concerned that the proposed Transit Hall (which should have included seating and public restrooms) at Vanderbilt and 43rd is not optimally located to provide connectivity for passengers to and from the West Side, and propose an entrance hall at Madison and 42nd as well as a B2 level connection from East Side Access to NYC Transit at 42nd and Vanderbilt; and

we believe that the requirements of the Special Midtown District for through-block access to the lobby should be maintained; and

we take note that with the entire site to be excavated, this is a once in a lifetime opportunity to find solutions that will best serve the public at this dense and vital crossroads; and

B. Sustainability and the Environment

While the Applicant has committed to construct a LEED v4 Certified Gold building, only the highest level of sustainability is acceptable if the goal, as stated, is to keep East Midtown as the premier business district; therefore, the Applicant must commit to a LEED v4 Certified Platinum building which will be designed to perform 30 percent better than ASHRAE 90.1, 2010; and

The proposed building lobby should publicly display a comprehensive building water usage and energy performance dashboard showing where and how energy and water is continuously being conserved; and

We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62 % v. 75 % of the sky left open); this reduction in daylight is not adequately addressed by either DCP or the DEIS; and the magnitude of the reduction in daylight will set a precedent for future development in Vanderbilt Corridor and East Midtown; and

C. FAR Bonus Size

As with the rest of the Vanderbilt Corridor, any increase in FAR granted by a special permit needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come; and

The Department of City Planning needs to provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and

WHEREAS, We praise the Applicant for taking Community Board Five and Six's concerns regarding the harmoniousness of their proposed building with Grand Central Terminal into account and for attempting to resolve them by revising the design, the specific concerns raised by the proposed building's asymmetrical façade, use of glass and cacophonous base have not been alleviated; and

WHEREAS, The Applicant must create a Community Construction Task Force (CCTF) to keep the community stakeholders fully informed and consulted on all aspects of the development and sequencing of changes to the immediate vicinity; and

WHEREAS, This CCTF would meet before the onset of demolition, then hold regular meetings weekly at the outset, then monthly or once a quarter; therefore be it

RESOLVED, Manhattan Community Boards Five and Six **recommend denial** of the C 150128 ZSM, C 150129 ZSM and C 150130 ZSM special permits unless the following conditions are met:

1. The development will be LEED v4 Certified Platinum; and
2. A major public space is created at street and concourse level, through or adjacent to and connecting with the main lobby of One Vanderbilt, and connecting the corner of Madison Avenue and 42 Street and the main concourse of Grand Central; and be it further

RESOLVED, While the following recommendations are **not conditions** for our approval, we strongly recommend:

1. Placement of the subway entrance should be within the building at the Southeast corner of 42nd and Lexington and not on the sidewalk; and
2. Further widening to the extent necessary so that a minimum sidewalk width of 20 feet is achieved for Madison Avenue and East 42nd Street; and widening East 43rd Street to a minimum of 15 feet is achieved; and
3. Reduce the width of the office lobby on the Public Place and consider pedestrian uses in lieu of the Transit Hall; and
4. Creation of a Community Construction Task Force; and
5. The Department of City Planning provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and
6. One Vanderbilt should:
 - (i) Provide the required 4,200 square feet of mandatory, unbonded pedestrian circulation space required by the Special Midtown District;
 - (ii) Include a significant improvement to the Terminal City pedestrian circulation system for the privilege of transferring the development rights of the Bowery Savings Bank remotely;
 - (iii) Not receive a bonus for improvements to the subway station that are mitigations for East Side Access or the extension of the 7 line; and
7. The Department of City Planning provide a rationale for what amounts to a waiver of the Height and Setback/Daylight regulations which, for example, have resulted in a daylight score for One Vanderbilt of negative 62% (Daylight Evaluation) rather than the Midtown standard of 75% of the sky left open; and be it further

RESOLVED, The **conditions** listed above are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Eric Stern
Chair, Land Use, Housing and Zoning Committee

SANDRO SHERROD
CHAIR

VICE-CHAIRS
RICHARD EGGERS, 1ST
CLAUDE L. WINFIELD, 2ND



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
866 UNITED NATIONS PLAZA, SUITE 308
NEW YORK, NY 10017

DAN MINER
DISTRICT MANAGER

BEATRICE DISMAN, TREASURER
CHARLES BUCHWALD, ASST. TREASURER

AARON HUMPHREY
SECRETARY
KATHY THOMPSON
ASST. SECRETARY

VIA E-MAIL: CalendarOffice@planning.nyc.gov

December 29, 2014

Mr. Carl Weisbrod
Chairman
New York City Planning Commission
22 Reade Street
New York, NY 10007

RE: Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt

Dear Chairman Weisbrod:

At the December 10th Full Board meeting of Community Board 6, the Board adopted the following resolution:

WHEREAS, Green 317 Madison, LLC seeks a special permit (application C 150128 ZSM) to transfer development rights from a landmark building to facilitate construction of an approximately 1.3 million SF mixed-use development called One Vanderbilt between 42nd and 43rd Streets, and Madison and Vanderbilt Avenues; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-641 of the Zoning Resolution (application C 150129 ZSM) for a Grand Central Public Realm Improvement Bonus of 12.3 FAR to facilitate a 30 FAR development at One Vanderbilt; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-642 of the Zoning Resolution (application C 150130 ZSM) for modification of regulations with respect to street wall, curb cut, height and setback and mandatory district plan elements, and relief from daylighting; and

WHEREAS, Unlike on corridor parcels not fronting 42nd Street, we believe there may be circumstances under which a building on this site might reasonably justify an allowable 30 FAR; and

WHEREAS, Regarding One Vanderbilt, we continue to have areas of concern:

A. Infrastructure and Public Realm:

While the proposed off-site public realm improvements include:

- 1) the creation of a Public Place on Vanderbilt between 42nd and 43rd to be used as a pedestrian plaza;
- 2) a new stair in the cellar of the Pershing Square Building (southeast corner of 42nd and Park) that would connect the Grand Central-42nd Street subway station mezzanine to the 4, 5 and 6 subway platform;

- 3) a new subway entrance with two new street-level subway stairs on the sidewalk at the southeast corner of 42nd and Lexington that would connect to and open an existing 4,100 square foot below-grade passageway;
- 4) modification of columns on the Grand Central – 42nd Street mezzanine to provide more pedestrian circulation space and improve pedestrian flow;

-1-

- 5) 8,475 square feet of an expanded Grand Central – 42nd Street station mezzanine in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4, 5, and 6 subway platform;
- 6) replacement and widening of an existing street-level subway entrance at the northwest corner of 42nd and Lexington with wider stairs and an elevator;

we are concerned that two off-site improvements (the stair between the mezzanine and platform at the Pershing Square Building and the two stairs at the north end of the platform and the enlargement of the mezzanine there) were identified mitigations for the Flushing line extension and East Side Access and were to be paid for through the capital programs of the MTA and/or the City; and

there are no sidewalk subway entrances on 42nd street from Third Avenue to Madison Avenue, but under this application one is proposed on the southeast corner of 42nd Street and Lexington Avenue; and

we are concerned that nothing in this proposal would improve the connectivity between the 7 Line and the Lexington Lines; and

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- this is a narrow block that will need to have passageway for emergency vehicles, which will severely limit the scope of public amenities (seating, plantings, etc.);
- currently essential emergency and police vehicles are parked in the proposed Public Place and we are concerned as to where new locations will be found;
- we would like to know who will be responsible for the maintenance of this Public Place, and what mechanism will be instituted to guarantee that it will be free of commercial events, concessions and sub-concessions, as well as intrusions from food carts, costume characters and other unintended consequences, that will hamper the flow of pedestrians and negate the intended passive recreational use of this Public Place; and

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we take note that with the entire site to be excavated, this is a once in a lifetime opportunity to find solutions that will best serve the public at this dense and vital crossroads; and

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We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62 % v. 75 % of the sky left open); this reduction in daylight is not adequately addressed by either DCP or the DEIS; and the magnitude of the reduction in daylight will set a precedent for future development in Vanderbilt Corridor and East Midtown; and

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RESOLVED, the **conditions** listed above are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

VOTE: 39 In Favor; 0 Opposed; 1 Abstain; 0 Not Entitled

Yours Truly,



Dan Miner
District Manager

Cc:

Honorable Gale Brewer
Honorable Brad Hoylman
Honorable Liz Krueger
Honorable Dan Quart
Honorable Dan Garodnick
Dominick Answini, DCP
Frank Ruchala, DCP
Stephen Lefkowitz, Applicant
Sandro Sherrod
Terrence O'Neal, FAIA